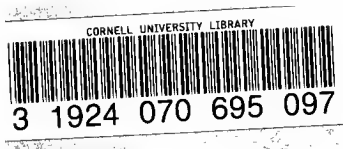
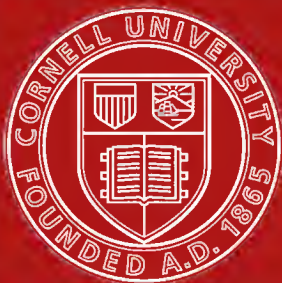


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RECORDS
OF
PLYMOUTH COLONY.
JUDICIAL ACTS.
1636—1692.

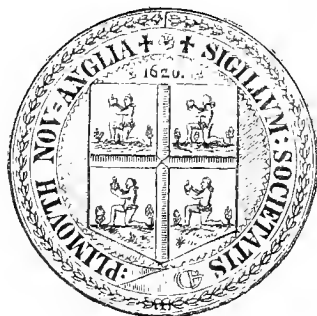
RECORDS
OF THE
COLONY
OF
NEW PLYMOUTH
IN
NEW ENGLAND.

PRINTED BY ORDER OF THE LEGISLATURE OF THE
COMMONWEALTH OF MASSACHUSETTS.

EDITED BY
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JUDICIAL ACTS.

1636—1692.



BOSTON:
FROM THE PRESS OF WILLIAM WHITE,
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1857.



REMARKS.

THIS volume comprises the record of the Judicial Acts of the General Court and Court of Assistants of the Colony of New Plymouth. They were originally contained in one manuscript volume, though divided into two Parts, and are in the handwriting of the various secretaries of the colony, as designated in the printed copy.

The first Act recorded bears date the third of January, 1636-7, and the last the fifth of April, 1692, consequently extending until the union of the Massachusetts and Plymouth Colonies under the Provincial Charter, which passed the seals in the year 1691.

There are no records of a similar character anterior to the year 1637, excepting those to be found in the volumes of Court Orders. During the usurpation of Andros the records of judicial acts do not appear to have been kept by the colonial secretaries.

Copious indexes, prepared with much care by clerks in the office of the Secretary of the Commonwealth, are appended.

N. B. S.

DECEMBER, 1857.

MARKS AND CONTRACTIONS.

A Dash - (or straight line) over a letter indicates the omission of the letter following the one marked.

A Curved Line ~ indicates the omission of one or more letters next to the one marked.

A Superior Letter indicates the omission of contiguous letters, either preceding or following it.

A Caret ^ indicates an omission in the original record.

A Cross x indicates a lost or unintelligible word.

All doubtful words supplied by the editor are included between brackets, [].

Some redundancies in the original record are printed in *Italics*.

Some interlineations, that occur in the original record, are put between parallels, || ||.

Some words and paragraphs, which have been cancelled in the original record, are put between ‡ ‡.

Several characters have special significations, namely:—

@, — annum, anno.	ã, — mō, month.
ā, — an, am, — curiā, curiam.	þ, — par, por, — þt, part; þtion, portion.
ā, — mātrate, magistrate.	p, — per, — pson, person.
þ, — ber, — numþ, number; Roþt, Robert.	p, — pro, — pporcōn, proportion.
č, — ci, ti, — acčon, action.	p, — pre, — pſent, present.
čō, — tio, — jurisdicčōn, jurisdiction.	q, — qſtion, question.
č, — cre, cer, — ačs, acres.	q̃, — eſq̃, esquire.
đ, — đđ, delivered.	ř, — Apř, April.
ē, — Trēr, Treasurer.	ſ, — ſ, session; ſd, said.
ē, — committē, committee.	ſ, — ser, — ſvants, servants.
ġ, — ġñal, general; Georgġ, George.	ter, — ter, — neut, neuter.
ħ, — chr, charter.	č, — capč, captain.
ĩ, — begĩg, beginĩg, beginning.	ũ, — uer, — ſeũal, seueral.
ł, — łre, letter.	ũ, — abouũ, aboue, above.
m̄, — mm, mn, — cōmĩtee, committee.	ŵ, — ver, — ſeũal, several.
m̄, — recōmĩdačōn, recommendation.	ŵ, — ŵn, when.
m̄, — mer, — for̄mly, formerly.	y ^e , the; y ^m , them; y ⁿ , then; y ^r , their; y ^s , this; y ^t , that.
m̄, — month.	z, — us, — vilibz, vilibus.
n̄, — nn, — Peñ, Penn; año, anno.	ℓ, — es, et, — statutℓ, statutes.
ñ, — Dñi, Domini.	ℓč, &č, &c ^a , — et cætera.
ñ, — ner, — manñ, manner.	vizℓ, — videlicet, namely.
ō, — on, — mentiō, mention.	/, — full point.

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JUDICIAL ACTS.

1636—1692.

PLYMOUTH RECORDS.

THE RECORDS OF THE COLONY OF NEW PLYMOUTH IN NEW ENGLAND.

[The following pages contain the Judicial Acts of the General Court and Court of Assistants of the Colony of New Plymouth, in New England. The first thirty pages of the First Part are in the chirography of Mr. Souther; after which there is a chasm of two years, from July, 1646, to October, 1648, when they appear in that of Secretary Morton, who completes the First Part, which contains two hundred and thirteen pages. Part Second, as far as the sixty-third page, is also by Mr. Morton, and the remainder is by Messrs. Clarke and Sprague. No records appear in the volume between the fifth day of October, 1686, and the eighth day of October, 1689. The Second Part contained one hundred pages.]

JUDICIAL ACTS OF THE GENERAL COURT AND COURT OF ASSISTANTS.

**New Plymouth Collony. At the Generall Court held the third Day 1636-7.
of January, in the twelfth Yeare of the Raigne of our Soū-
aigne Lord Charles, by the Grace of God of England, Scot-
land, France, and Ireland, King, Defendor of the Fayth, &c.
Anno Dñi 1636.*

3 January.
PART I.
[*1.]

COMFORT STARR, of New Towne, in Mattachusetts Bay, complained against Willm Hatch, of Scituate, in a plea of debt vpon a bond of seaventy eight pounds, for the payment of thirty nine pounds. The bond was shewed in Court, & confessed by the deffen^t, & the jury found for the p^tiff twenty six pound & tenn shillings debt, three pound damna^g, and the cost of the Court about the suite. Judgment was graunted, but execu^cōn deferred vntill the next Court.

Nathaniell Tilden, of Scituate, complaines against Comfort Starr, of New Towne, in Mattachusetts Bay, in a plea vpon the case, to the damage of one hundred pounds; in w^{ch} action the said p^tiff did not p^{ersonally} appeare, but sent a declara^cōn; wherefore the action was referred to the ordering

1636-7. and ending of M^r James Cudworth and Samuell Hinckley, of Scituate; and if they cannot agree, the same then to take a third man vnto them, and so to end the same; but if the said M^r Tilden shall refuse their end and arbitrement, that then he shall pay M^r Starr, the deff^{nt} his charges, and the deffen^t to be subject to a new action.

3 January.
PART I.

Nathaniell Thomas complaines against Georg̃ Soule, in an action vpon the case, by attaching two heiffers, in the behalf of his father, Wilłm Thomas. The jury found for the deffen^t.

Georg̃ Soule complains agst Natha^l Thomas, in a plea of trespasse, to the damnağ of fourty pounds. The jury found for the p^řt, the beasts to be restored to him, & gaue him xii^d damnağ, & costs of suite.

The Jury.

M ^r John Atwood,	} sworne.	Wilłm Gilson,	} sworne.
John Winslow,		Thomas Willet,	
Steeven Tracy,		Edward Bangs,	
Edward Foster,		Wilłm Paddy,	
x x		x x	
x x		x x	

6 February. **At a Court of Assistants held at New Plymouth, the sixt Day*
[*2.] *of February, Anno Dñi 1636.*

WILLEM PADY complaines agst Webb Adey, in an action vpon the case, to the damage of v^{li} vij^s v^d, vpon a bill of p^řticulers shewed in Court, whereof by the same bill he hath receiued iii^{li} xii^s ix^d, & there resteth due xxxiii^s iii^j^d. The def^{nt} answereth, that he hath paid ix^s viii^d more, and will pay xx^s more this weeke, and a bushell of corne at harvest next, in full satisfaccōn of the said debt; and the p^řtiffe therewth content, or el^s execu^{cō}n to be graunted for xxv^s.

At a Court of Assistants held the vijth March, 1636.

1636-7.

7 March.
PART I.

GEORGE CLARKE complaynes against Edward Dotey, in an action vpon the case for to the damage of xij^{li} for a deceitfull bargaine made wth him for a lot of land. The Court ordered it by consent of both p^{ties}, that the said Edward Dotey shall either repay to the said George Clarke the eight pound^l he hath receiued for the said lot in p^t of payment, vpon the last day of Nouember next, or els vpon the payment of foure pounds more vnto the said Edward Dotey by the said George Clarke: the same day the said Edward Dotey shall assure the said lot of land vnto the said Georg^e Clarke and his assignes for euer.

*At the Genall Court held the vijth of March, Anno Dⁿⁱ 1636.
M^r Bradford, Goũno^r.*

7 March.

FRAUNCIS COOKE complains against Thomas Lettis, James Walter, John Browne the yeonger, & Thomas Teley, and against M^r John Browne thelder & Thomas Willet, vpon an action of the case, to the damna^g of x^{li}, for that they, the said Thomas Lettis, James Walter, John Browne the yeonger, & Thomas Teley, in the service of the said John Browne thelder, & Thomas Willet, did, about the ixth day of November last, vnreasonably abuse the cattle of the said Francis Cooke, insomuch that therevpon one cowe cast her calf, & hath lost her milk, & is in danger to be lost herself. The jury found for the p^tiff against John Browne thelder, and doe assesse him three pounds damage, and the cost of the suite.

An execu^{cion} made forth for 3^{li} damage, & 13^s 6^d charges of the suite.

The names of the Jury for Tryall of Yssues betwixt p^{ty} & p^{ty}, the 7th of March, 1636.

John Done,	} sworne.	Wil ^m Basset,	} sworne.
James Hurst,		Josiah Cooke,	
Henry Howland,		John Jenkin,	
Thomas Cushman,		Wil ^m Hodgkins,	
Richard Burne,		William Pontus,	
x x		George Kennerick,	

1636-7.

7 March.

PART I.

[*3.]

*Humfrey Turner complaines agst Wiltm Hamans in an action of debt for xxxix^s, vpon a note of the s^d Hamans hand, wherevpon his goods were attached at Scituate; but the note not being prooued, the good℥ remayne vnder the attachment vntill the next Court, that prooffe be made it is his hand subscribed to the said note.

1637.

20 May.

May the xxth, 1637.

JOHN JENNEY complaines against Samuell Chaundler, in an action vpon the case to the damage of xx^l, wherevpon a pcell of beauer of the deffen^{ts} was arrested aboard the s^d Mr Jenneys bark. Edmond Chaundler became bayle to the action, and to satisfye the debt what it should be. At the Geñall Court held the vijth June, 1637, the action was respitted vntill the next Court, that the deffen^t haue warneing. The debt was alleadged to be xj^{li} v^s, vpon x and ij^{li} vij^s vij^d vpon another accompt, w^{ch} amounts in the totall to xiiij^{li} xij^s vij^d. The second of October, Edmond Chaundler vndertooke to pay the p^{ti}ff xj^{li} v^s wthin one month now next ensuinge, and to saue the p^{ti}ff harmlesse of & concerning the other three pound℥ vij^s & vij^d, and therevpon the action is wthdrawne.

2 October. *At the Geñall Court held the second of October, in the xiiijth Yeare of the Raigne of o^r Soũaigne Lord Charles, by the Grace of God of England, &c, Kinge, &c. 1637. Mr Bradford, Goũ.*

GEORGE CLARK complaines agst Edward Dotey in an action vpon the case for denying him liberty to hold land for the terme he had taken yt for, to the damage of xx^{li}. The jury found for the p^{ti}ff, and assessed xx^s damage, and the charges of the Court. Execu^{co}n graunted.

Geor̃ Clarke complaines agst Edward Dotey, in an action of assault and battery, (for strikeing the pl^t), to the damage of v^{li}. The jury found for the p^{ti}ff, and assessed xii^d damage, and the charges of the Court. Execu^{co}n graunted.

The jury names were these : —

Mr Stephen Hopkins,	} sworn.	Nicholas Snowe,	} sworn.
Mr John Done,		Thomas Willett,	
Josias Winslowe,		Willm Paddy,	
James Hurst,		George Bower,	
Phineas Pratt,		Georġ Kennerick,	
Thomas Cushman,		Henry Howland,	

1637.

2 October.
PART I.

**At the Genall Court held the second Day of January, 1637.*

1637-8.

2 January.

[*4.]

MICHAELL TURNER complaineth against John Davis in an action vpon the case to the damage of xx^{li} for not deliuering his goods he hyred his boate to carry from Weymouth to Sandwich. The jury found for the defendant, and awarded him fifty shillings damage and charges of the Court, because the comp^t should haue set vp a pole wth a white cloth on the topp, whereby the harboures mouth might be discouered vnto them.

Edward Dotey complaines against John Holmes, gen^t, in an action of trespass, to the damage of xl^{li}. The jury found for the defend^{nt}, and gaue him fve shillings damage and the charges of the Court, because the comp^t could not proue he sustayned any damage thereby.

John Willis and Elizabeth his wyfe complaynes against M^r Willm Bradford, M^r Edward Winslow, & M^r Thomas Prince, execut^{rs} of the last will and testament of Willm Palmer, Señ, deceased, in an action vpon the case to the damage of xx^{li}, for a lott of land the comp^t p^tended he had right vnto by the marriage of his wyfe, who had formerly beene the wife of William Palmer the yonger, sonn of the said William thelder. The jury found for the deffen^{ts}, and gaue them xij^d damage, and the charges of the Court. 2^d Jañ, 1637.

The jury's names were these w^{ch} tryed these causes : —

John Browne, gē,	} sworn.	Georġ Watson,	} s ^w .
John Done,		James Cole,	
Willm Basset,		Phillip Deloney,	
Franĉ Cooke,		Willm Paddy,	
Henry Howland,		Georġ Kennerick,	
John Barnes,		Thomas Cushman,	

1637-8.

*March 5th, 1637. Bradford, Gouin^r.*5 March.
PART I.

M^R WILLIAM LEUERICH complaines against Wiltm Hurst, in action vpon the case to the damage of vj^{li} xij^s iiij^d.

[*5.] *March the fift, 1637. Raph Gorame complaines agst Francis Sprague, in an action vpon the case to the damage of xx^s, for two piggs; vpon w^{ch} bargain the p^tiff payed the def^{nt} v^s in hand, w^{ch} was ordered by the Court of Assistants thus: that the def^{nt} should repay the p^tiff v^s againe, and likewise pay him two bushells & a half of Indian corne vpon demaund. In regard that the deffen^t afterwards sould the s^d pigs for so much more then he alleadged, the said p^tiff should pay for them, and also pay the charges of the Court.

6 March.

At the Geñall Court held the sixt Day of March, 1637.

M^R EDWARD WINSLOW complaines against Thomas Clark, in an action vpon the case, to the damna^g of viij^{li} for a bargain of palla-sadoes, a corne fann, and other corne. The jury found for the p^tiff, and doe asseesse viij^{li} damage, and the charges of the Court.

John Stockbrid^g complaines against Geor^g Bower, in an action vpon the case, to the damage of iiij^{li}. This suite is respited to the next Court, in regard that the def^{nt} alleadged that he would then proue that the p^tiff accepted of payment from M^r Cudworth, and another man, wherevpon tyme was graunted him till the next Court.

The jury name for tryalls this Court was these:—

M ^r John Done,	} sworne.	{ Thomas Cushman,	} sworne.
M ^r Thomas Besbidge,		{ Nicholas Snow,	
Anthony Annable,		{ John Faunce,	
William Basset,		{ John Barnes,	
James Hurst,		{ John Jenkine,	
Humfrey Turner,		{ Richard Burne,	

**August 7, 1638. Prence, Goûn'.*

1638.

7 August.
PART I.
[*6.]

ROÛTE BARKER complayneth against Thomas Boardman, in an action vpon the case, to the dañ of xx^s for wages, and in another action vpon the case, to the dañ of xxix^s, for corne, both w^{ch} actions were by consent referred to the endinge and arbitracōn of Steephen Tracy, Richard Church, W^m Hatch. And the said arbitrat's awarded the said Thomas Boardman to pay the said Roûte Barker thirteene shillings sterl p^{se}ntly, and the charges of the Court, in full of all accounts & reckonings betwixt them, and the said Roûte Barker to bee freed from any further service to the said Thoñ Boardman.

At the Genall Court held the fourth Day of Septembr, xiiij^o of King Charles, &c. 4 September.

RICHARD CLOUGH complaynes against Thomas Clark, in an action of slaunder, to the damage of c marks. The jury found for the defendant.

John Weekes complaynes against Georġ Russell, in an action of slaunder, to the dañ of v^{li}. The p^{ti}tiff was openly called in the publike Court three sefall tymes, and neither hee nor any man for him would p^{se}cute the action; so the Court awarded him charges of the Court & his dayes worke.

The Names of Jury.

sworne,	{	Mr John Done,	{	sworne,	{	John Shawe,	{	sworne.
		John Jenkine,				John Faunce,		
		Wilkm Lumpkine,				Richard Higgens,		
		Phillip Delanoy,				Anthony Snow,		
		Wilkm Hodgskins,				Edward Foster,		
		George Kennerick,				Stephen Tracy,		

1638.

25th Octob^r, 1638.25 October.
PART I.

RICHARD DERBY complaines agst Edward Dotey, in an action vpon the case, to the dañ of xiiij^{li}.

Nathaniell Tilden complaines agst Henry Ewell, in an action vpon the case, to the damage of ^

1638-9. *Prince, Goũn^r, 1638. *At a Court of Assistants held the vijth Januãr, in the xiiijth Yeare of his Ma^{ties} now Raigne, of England, &c.*
7 January.
[*7.]

BEFORE Thoñ Prenç, gent, John Alden,
W^m Bradford, John Atwood, &
Edward Winslow, John Browne,
Gen^t, Assistantç.

SAMUELL HICKS complaineth against Josias Winslowe for the taking of certaine wood, w^{ch} the said Samuell cutt vpon the lands graunted vnto the said Josias, w^{ch} wood was prooued to be reserued for fire wood for the towne, by auncient order, & excepted also in the graunt of the said landç. The Court ordered the said plaintiff to haue the said wood as pply belonging to him, and the deffen^t to pay the charges of the Court.

4 February. *At a Court of Assistants held the iiij of Febrũ, in the xiiijth Yeare of the Raigne of our Souaigne Lord Charls, of England, &c.*

BEFORE Thoñ Prence, gent, Goũn^r, John Jenney,
Willm Bradford, John Atwood, &
Edward Winslow, John Browne, gent,
John Alden,
Assistants, &c.

RICHARD CHURCH complaynes against Kenelme Winslowe, in an action vpon the case, to the dañ of xiiij^s, w^{ch} the Court awarded the p^tntiffe, & charges of the suite. 1638-9.
4 February.
PART I.

Josias Cooke complayneth agst John Combes, gen^t, in an action vpon the case, to the dañ of iiij^d. The Court awarded the p^ttiff iiij^d, to be payd before thend of the next month, & to giue him securitye for yt; w^{ch} was donn by p^mising a yeoung calf.

1638. *At the Geñall Court held the fift Day of March, in the xiiijth Yeare of the now Raigne of o^r Soüaigne Lord Charles, King of England, &c.* 5 March.

BEFORE Tho ^m Prence, gen ^t , Go ^u n ^r ,	John Jenney, gen ^t ,
Willm Bradford, gen ^t ,	John Atwood, gen ^t , &
Edward Winslow, gen ^t ,	John Browne, gen ^t ,
John Alden, gen ^t ,	
Assistant℥ of the Go ^u n ^r , &c.	

‡ **W**ILLIAM BRADFORD, gen^t, complaines against John Combes, Vacat. gen^t, in an action vpon the case, to the damage of fourty five pounds ster^l. Nathaniell Sowther appeared to the said action, and by vertue of a warrant of attorney vnder the hand of the said John Combes, to him directed, w^{ch} was shewed in Court, did acknowledg a judgment of fourty five pound℥ ster^l to the compt for the defen^t, and the Court awarded execu^{co}n.‡

At a Court of Assistants held the third of June, 1639.

1639.

M^R JOHN DONE p^mised to pay M^r John Atwood three pound℥ seaventeene shillings ster^l the first of June next, and the said M^r Atwood p^mised to forbear y^t vntill x

3 June.

1639. *Bradford, Goûn^r, 1639. *At a Geñall Court held the fourth Day of June, in the xvth Yeare of the Raigne of o^r Soûaigne Lord Charles, by the Grace of God King of England, &c.*

4 June.

PART I.

[*8.]

BEFORE Wiltm Bradford, gen ^t , Goûn ^r ,	John Browne,
Thomas Prence,	Wiltm Collyer,
Cap ^t Miles Standish,	Timothy Hatherley, and
John Alden,	John Jenney, gen ^t ,
Assistants of y ^e said Goû.	

WILLIAM HOSKINE, and Ann, his wyfe, complayne agst John Dunford, in an action of slander, to the dañ of 1x^{li}. The ju^r found for the p^ttiff, and assessed xx^s dañ and the charges of the Court.

John Danford comptn agst Richard Derby, gen^t, in an action vpon the case, to the dañ of xx^{li}. The jury found for the p^ttiffe, and assessed xx^{li} dañ, and the charges of the Court.

The jurys names were these : —

James Cudworth,	} sworn,	Wiltm Paddy,	} sworn.
Tho ^m Burne,		Kenelme Winslowe,	
James Hurst,		Henry Howland,	
Wiltm Bassett,		Walter Deane,	
Henry Cobb,		Thomas Cushman,	
Gabriell Fallowell,		Tho ^m Hill,	

3 June.

The third of June, 1639. At a Court of Assistants.

I^N the case betwixt M^r Andrew Hellot and M^{rs} Warren, the Court doth adjudge the s^d M^r Hellot to pay her tenn shillings, in full of all accompt^l betwixt them.

Vppon heareing of the differenc^l betwixt M^r John Atwood and Francis Billington, the Court doth order wth consent of both p^ties, that the said Francis shall pay the said M^r Atwood fourty shillings in hand, and thirty

shillings more in corne or work, betwixt this and the spring; and the remaynder of the debt as the said Francis is able, in money, corne, or worke, and the attachement to be discharged.

1639.

3 June.
PART I.

*1639. *New Plym*: — *At the Genall Court of o^r Soûaigne Lord the King, held at Plym afores^d the third Day × × in the xvth Yeare of our said Soûaigne Lord Charles, by the Grace of God King of England, Scotland, France, & Ireland, Defendor of the Fayth.* 3 September. [*9.]

BEFORE Wilm Bradford, gen^t, Goûn^r, Wilm Collyer, gen^t,
 Tho^m Prence, gen^t, Tymothy Hatherley, gen^t,
 Cap^t Miles Standish, gen^t, John Jenney, gen^t, &
 John Alden, gen^t, John Browne, gen^t,
 Assistant^l of the said Goûn^r.

JOSEPH MERIAM complains against Wilm Hatch, in an action of trespas vpon the case, to the da^m of xi^{li} x^s. The jury fynd for the p^tiff v^{li} xiiij^s & ij^d da^m and the charges of the Court for this suite. Judgm^{nt} & execu^{cion} graunted.

Wilm Gilson complains against John Lewes, in an action of tresspa^s vpon the case, to the da^m xxx^{li}. The jury fynd for the p^tiffe, and assesse xxiiij^{li} da^m and the charges of the Court.

The Names of the Jury that tryed these two Actions.

James Cudworth,	} sworn.	Samuell Nash,
Kenelme Winslowe,		Wilm Paddy,
Francis Cooke,		Edward Banges,
James Hurst,		Tho ^m Willett,
Josuah Pratt,		Henry Howland,
Wilm Bassett,		Henry Cobb.

1639. *At the Genall Court held the third Decemb^r, in the xvth Yeare of the
Raigne of o^r Soulaigne Lord King Charles, of England, &c.*

3 December.
PART I.

BEFORE W^m Bradford y^e Goũn^r, Wilm Collyer,
Thomas Prence, Tymothy Hatherley,
Cap^t Miles Standish, John Jenney, &
John Alden, John Browne, gen^t,
Assistant^l, &c.

JOHN ATWOOD complaynes agst Rob^{te} Bartlet, in an action of trespas
vpon the case, to the daĩ of xj^{li} xij^s ix^d ster^l. The jury found for the
p^ttiff three pound^l three shillings six pence debt, fourty shillings daĩ, & the
charges of the suite, w^{ch} came to vj^{li} j^s vj^d. Judg^{nt} & execu^õn graunted.

Rob^{te} Waterman complains agst Thomas Clarke, in an action of trespas
vpon the case, to the daĩ of xx^{li}. The jury find for the p^ttiff 35^s debt & 5^s
daĩ, and the charges of the suite. Judg^{nt} & execu^õn graunted.

The Juries Names that tryed these two Actions.

Thomas Willet,	} sworne,	Gabriell Fallowell,	} sworne.
Wilm Paddy,		Samuell Nash,	
Fran ^ç Cooke,		Henry Cobb,	
Tho ^m Cushman,		Geor ^g Kennerick,	
Josuah Pratt,		Wilm Kempe,	
Edward Banges,		James Hurst,	

3 March. *Bradford, Goũ, 1639. *New Plym ss. At the Genall Court of
[*10.] o^r Soulaigne Lord the King, held at New Plym afores^d, the
third Day of March, in the xvth Yeare of his Ma^{ties} now
Raigne, of England, &c.*

BEFORE Wilm Bradford, gen^t, Goũ^r, John Alden,
Thomas Prence, Tymothy Hatherley,
Wilm Collier, John Jenney, and
Cap^t Miles Standish, John Browne,
Gen^t, Assistant^l, &c.

JOSIAS WINSLOW complaynes agst John Emerson, in an action of 1639-40.
 tresp^s vpon the case, to the dañ of xxx^{li}. The jury fynd for the deff^{nt},
 & assesse xij^d dañ, & charges of the Court.

3 March.

PART I.

John Shaw complaynes agst Edward Dotey, in an action of tresp^s vpon
 the case, to the dañ of x^{li}. The jury fynd for the p^{tr}tiff, assesse three
 pound℥ fyfteene shillings dañ, and the charges of the Court.

M^r Tymothy Hatherley compl^{ns} agst James Cudworth, in an action of
 debt, for xii^{li}, vpon a bill. The jury fynd for the p^{tr}tiff; and vpon returne of
 the deffen^{ts} bill, the p^{tr}tiff to haue his money, and vpon certificate, the money
 is payed & the bill lost, the p^{tr}tiff to haue his money & the charges of the
 Court, the p^{tr}tiff being left to his liberty for recouery of his dammag℥.

The juries names are these w^{ch} tryed these actions : —

{ Jonathan Brewster, Manasseth Kempton, James Hurst, John Cooke, Junior, John Dunham, Wilkm Paddy,	} sworne,	{ Thomas Willet, Thofm Cushman, Wilkm Kempe, Henry Cobb, Gabriell Fallowell, Nathaniell Morton,	} sworne.

New Plym: — At the Geñall Court of o^r Soûaigne Lord the King, 2 June.
held at Plym afores^d, the second Day of June, in the xvjth Yeare of
the Raigne of our Soûaigne Lord Charles, by the Grace of God,
King of England, &c.

BEFORE Wilkm Bradford, gent, Gou,	John Alden,
Thomas Prence,	Tymothy Hatherley,
Wilkm Collyer,	John Jenney, and
Capt Miles Standish,	John Browne, gen ^{tl} ,
Assistant℥ &c.	

SAMUELL CHAUNDLER complains against John Jenney, gen^{tl}, in an
 action of trespas vpon the case, to the dañ of xl^{li}. The jury fynd
 for the p^{tr}tiff, fine li damage of xvij^{li} iiij^s, and for the other & charges

1639-40. of the suite ; and for the other debts, if he can proue them, to haue liberty to recoū them.

3 March.
PART I.

John Barnes compl^{ts} agst John Holmes, in an action of debt, for viij^{li}.
The jury fynd for the p^ltiff viij^{li} dañ, and the charges of the suite.

Pledg, W^m Hatch.

John Whitcomb comp^{tn}s agst John Stow, in an action of trespas vpon the case, to the dañ of xxx^{li}. The jury fynd for the p^ltiff v dañ & charges of the suite. Execu^{co}n made for 14^s 6^d.

The names of the jury for tryall of these actions are these : —

Mr John Done,	} sworne.	Gabriell Fallowell,	} sworne.
Francis Cooke,		Edward Banges,	
James Hurst,		Nicholas Snow,	
Richard Sparrow,		Edmond Tilson,	
Josuah Pratt,		Edward Foster,	
Josias Cooke,		Humfrey Turner,	

1640. **New Plym*: — *At the Genall Court held the first of Septemb^r, in the*
xxvth Yeare of his Ma^{ties} now Raigne, of England, &c.

1 September.

[*11.]

BEFORE Wilkm Bradford, Goũ,	Tymothy Hatherly,
Thom̃ Prence,	John Jenney,
W ^m Collyer,	John Browne, &
Cap ^t Miles Standish,	Edmond Freeman,
Gen ^t , Assistantℓ, &c.	

BRIDGITT FULLER, widdow, comp^t agst Edward Dotey, in an action of trespas vpon the case, to the dañ of xxx^{li}. The jury fynd for the p^ltiff, and assesse ijij^{li} x^s dañ, & charges, of the Court ; but the pl^ltiff is to pforme her bargaine to the deffnt for wintering her cattell.

Nicholas Norton comp^t agst Mr Joseph Hull, in an action of trespas vpon the case, to the dañ xxx^{li}. The jury fynd for the p^lt, & assesse xvij^{li} dañ, & charges of the Court. Judg^{nt} & execu^{co}n p^{ro}nounced & graunted.

Raph Gorame compt's agst Raph Smyth, in an action of trespas vpon the case, to the dañ of viij^{li}. The jury fynd for the ptiff, & assesse xx^s dañ, & charges of the suite.

1640.

1 September.

PART I.

The juries names for tryall of these actions are these : —

Edward Dillinghame,	} sworne.	John Jenkine,	} sworne.
Josuah Pratt,		Josias Cooke,	
Thoñ Cushman,		John Paybody,	
Nicholas Snow,		Gabriell Fallowell,	
Georg̃ Watson,		W ^m Hoskine,	
Richard Church,		Nathaniell Morton,	

New Plym: — At a Court of Assistantē held the fift of Octob^r in the xvjth Yeare of his Ma^{ties} now Raigne, of England, &c. 5 October.

BEFORE Wilłm Bradford, gen ^t , Goñ,	Cap ^t Miles Standish,
Thoñ Prence,	Tymothy Hatherley, &
Wilłm Collyer,	John Jenney, gen ^t ,
Assistantē, &c.	

RICHARD CALLICUTT compt's agst John Holmes, the messenger, in an action of trespas vpon the case, to the dañ of xx^{li}. The jury found for the deffen^t.

The juries names are these w^{ch} tryed this action : —

Johnnathan Brewster,	} sworne.	Thoñ Cushman,	} sworne.
Mr John Done,		Steephen Tracy,	
Wilłm Paddy,		Experien ^c Mitchell,	
Richard Church,		Josuah Pratt,	
John Winslowe,		Edmond Chaundler,	
Josias Winslowe,		John Dunhame,	

M^R RAPH SMYTH complaines agst Raph Gorame, in an action of 1640-41.
 slaunder & defamaçõn, to the dañ of x^{li}. The jury fynd for the pttiffe,
 & assesse damag^e xl^s, & charges of the Court. 2 March.
PART I.

John Barnes traused a p^sentment agst him for exaction, for buying &
 selling corne againe in the same place, &c. The jury found him not guilty.

Walter Devile complaines agst Nicholas Sympkins, in an action vpon the Refer^d to the
next Court.
 case, to the dañ of xiiij^{li}.

The Juries Names.

John Dūhame, Señ, Henry Cobb, Humfrey Turner, Wil ^m Paddy, John Cooke, Geor ^g Allen,	} sworne.	{ Isaack Robinson, Anthony Annable, Josuah Pratt, Nathaniell Morton, Christopher Waddesworth, Gabriell Fallowell,	} sworne.
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**New Plym*: — *Bradford, Goũ, 1641. At the Geñall Court of o^r* 1641.
Soũaigne Lord the King, held at Plym aforesaid, the first Day
of June, in the xvijth Yeare of his said Ma^{ties} now Raigne, of
England, &c. 1 June.
[*13.]

BEFORE W ^m Bradford, gen ^t , Goũ,	Miles Standish,
Edward Winslow,	Tymothy Hatherly,
Tho ^m Prence,	John Browne, and
Wil ^m Collyer,	Edmond Freeman,
Gen ^t , Assis ^t , &c.	

WILLEM NEWLAND complains agst Thomas Applegate, in an action
 of trespassse vpon the case, to the dañ of xx^{li}. The jury fynd for the
 pttiff, and assesse him viij^{li} dañ, and the charges of the suite. Judg^{nt}
 graunted.

Wil^m Alvey comptns against Joseph Winsor, in an action of slaunder,
 to the dañ of x^{li}. The jury fynd for the defen^t, and assesse him v^s for his dañ,
 and the pttiff to pay the charges of the Court.

1641.

1 June.
PART I.

The Juries Names for these Tryalls.

John Winslow,	} sworn.	Gabriell Fallowell,	} sworn.
John Cooke,		Manasseth Kempton,	
John Dunhame,		Wilkm Hoskine,	
Josuah Pratt,		John Finney,	
Thofm Cushman,		John Shawe,	
Richard Sparrow,		Nicholas Snow,	

The juries names at the same Court for trauers of the yssue betwixt o^r soūaigne lord the King & George Bower, vpon the p^sentment agst him for defamaçōn of the goūment, are these : —

Edmond Eddenden,	} sworn.	Wilkm Newland,	} sworn.
John Stronge,		Richard Sillis,	
Steephen Tracy,		Richard Burne,	
Joseph Rogers,		Thomas Cushman,	
W ^m Hoskine,		Wilkm Alvey,	
Thomas Tart,		Thomas Howe,	

17 June.
[*14.]

**New Plym:— Bradford, Goū. At a Court held at Yarmouth the xvijth Day of June, in the xvijth Yeare of his Ma^{ts} now Raigne, of England, Charles, &c.*

BEFORE Edward Winslow, Miles Standish, &
Edmond Freeman.

By speciall order and appoynt^{nt} of the Gefnall Court held the first of June, 1641.

WALTER DEVILE complaī against Nicholas Sympkins, in an action of trespas vpon the case, to the dañ of xv^{li}. The jury fynd for the p^rtiffe, & assesse dañ xlijs iij^d, 2^d cost, & the charges of the Court, and a house worth xl^s, to be erected at Nobscusset, betwixt this and Michaellmas next. 4^l 12^s.

Nicholas Sympkins comptns agst Emanuell White, in an action of trespas vpon the case, to the dañ of xix^s vj^d. The jury fynd for the p^rtiffe, & assesse xix^s vj^d dañ, ij^d cost^l, & the charges of the suite.

Nicholas Sympkins complt̃ns agst Willm Twineing, in an action of trespas vpon the case, to the dañ of xxxix^s. The jury fynd for the p̃tiff, and assesse xxxix^s dañ, & charges of the suite; 12^s thereof to be now payd, & thother 27^s to be payd the 25th March next. Judgm^t and execuõn graunted.

1641.

17 June.
PART I.

Anthony Gilpin complt̃ns ag^t Willm Nicholson, in an action of trespas vpon the case, to the dañ of iij^{li} x^s. The jury fynd for the p̃tiff, & assesse lv^s dañ, & cost & charges of the suite.

Anthony Gilpin complt̃ns agst Thoñ Falland, in an action of trespas vpon the case, to the dañ of 40^s. The jury fynd for the p̃tiff, & assesse dañ xxix^s xj^d oßj, cost℥ & charges of the suite.

Anthony Gilpin complt̃ns against Roger Else, in action vpon the case, to the dañ xxiiij^s iij^d. The jury fynd for the p̃tiffe xxiiij^s iij^d, & j^d dañ & the charges of the Court.

The Juries Names that tryed the fores^d Cause at Yarm.

{ James Cudworth, Henry Cobb, Samuell Hinckley, Edward Fitzrandle, Thoñ Lathrope, Barnād Lumberd, }	} sworne.	{ Anthony Thacher, Willm Lumpkine, Thoñ Payne, Willm Palmer, Rob ^{te} Boatefish, Samuell Rider, }	} sworne.
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New Plym̃: — At a Court of Assistant℥ held the vjth Day of July, in the xvijth Yeare of his Ma^{ties} now Raigne, of England, &c.

6 July.

BEFORE Willm Bradford, gen ^t , Goñ, Ed: Winslow, Thoñ Prence,	W ^m Collyer, Miles Standish, Gen ^t , Assistant℥.
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LEIFTENNANT WILĒM HOLMES complt̃ns agst James Luxford, in an action of trespasse vpon the case, to the dañ of xxxvj^{li}. Goods were attached. The jury fynd for the defend^{nt}.

1641.

6 July.
PART I.

The Juries Names.

John Dunhame,	} sworn.	Richard Sparrow,	} sworn.
John Winslowe,		John Finney,	
Thom̃ Cushman,		Gabriell Fallowell,	
Josuah Pratt,		John Jenkine,	
James Hurst,		Edmond Tilson,	
Josias Cooke,		Joseph Rogers,	

3 August.

[*15.]

**Bradford, Goũ. At a Court of Assistantẽ held the third Day of August, in the xviijth Yeare of his Ma^{ties} now Raigne, of England.*

BEFORE Wiltm Bradford, gen^t, Goũ, Thomas Prence, &
Edward Winslow, John Browne,
Gen^t, Assistantẽ, &c.

WILEM DUNNE complns agst Wiltm Halloway, in an action of trespas vpon the case, to the dañ of xvj^{li}. The p^tiff appeared not, & a non p^sẽ entred, the deffen^t to haue his charges.

Thomas Prence, gen^t, complns agst James Luxford, in an action of debt, vpon a bill of v^{li}. The jury fynd for the p^tiff v^{li} debt and the chargẽ of the Court. Two sowes and foure shoatẽ were before attached, & now under execu^cõn, 20^s in M^r Hanburys handẽ, & 20^s in John Chanlers hands. 32^s 2^d ref^m to M^r Prence.

The Jurys Names.

Gabriell Falloway,	} sworn.	Nicholas Snowe,	} sworn.
James Hurst,		Edward Bangs,	
John Dunhame,		Nathaniell Morton,	
Josuah Pratt,		John Jenkine,	
Thom̃ Cushman,		John Cooke, Jun ^r ,	
Richard Sparrow,		W ^m Hoskine,	

At the Genall Court of o' Soulaigne Lord Charts, by the Grace of 1641.
God King of England, &c, held at Plym, the vijth of Septemb^r, 6 September.
in the xvijth Yeare of his s^d Ma^{ties} now Raigne, of England, &c. PART I.

BEFORE Wilkm Bradford, gen^l, Gof^r, Wilkm Collyer,
 Edward Winslow, Cap^t Miles Standish, &
 Tho^m Prence, Tymothy Hatherley,
 Assistant^l.

SAMUELL JACKSON compl^{ns} agst Wilkm Randle, in an action of tres-
 pas vpon the case, to the da^m of vij^{li}. The jury fynd for the p^ltiff, &
 assesse da^m vij^{li}, and the charges of the suite. Judg^{nt} & execu^{cion} graunted.

Thomas Applegate compl^{ns} agst Wilkm Newland, in an action of trespas
 for detayneing certaine swyne. The jury fynd for the deff^{nt}, & giue him the
 charges of the suite.

Emanuel White compl^{ns} agst James Cole, in an action of trespas vpon
 the case, to the da^m of iij^{li} x^s; the deff^{nt} confesseth xxij bushells of Indian,
 w^{ch} he p^{mi}sed the p^ltiff to pay for the debt of James Luxford, & execu^{cion}
 granted.

Anthony Thacher compl^{ns} agst Edward Morrell, in an action of trespas
 vpon the case, to the da^m of xxvij^s. An old iron pot and a frying pan attached.

The Jurys Names.

M ^r John Done, M ^r Tho ^m Willett, Edward Bangs, Tho ^m Cushman, Richard Sparrow, Richard Knowles,	}	sworne.	{	Manasseth Kempton, W ^m Hoskine, John Finney, John Shawe, Nicholas Snow, Wilkm Fallowell,	}	sworne.
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Richard Templer discharged of James Luxford, action agst him for say-
 ing he was broken, and hath 30^s da^m. × ×

1641. **At a Court of Assistant℥ held the vijth Decemb^r, in the xvijth Yeare of the now Raigne of o^r Soulaigne Lord Charls, King of England, &c.*

6 December.
PART I.
[*16.]

BEFORE Wiltm Bradford, gen^t, Go^u, Wiltm Collyer,
Edward Winslow, Cap^t Miles Standish,
Assistant^z, &c.

CONCERNING the differenc℥ betwixt Wiltm Merick, compt, and M^r John Atwood, def^{nt}, they haueing, by mutuall consent, referred them selues to the order & arbitryment of the Court: The Court doth therefore order & arbitrate, that the said John Atwood shall pay the said Wiltm Merick five pounds in full satisfaccōn for the moweing, makeing, and stacking his hey this yeare at Greenes Harbour Marsh, saue that the said M^r Atwood is to pay those that helped him to loade it into the leighter what their wages shall come too.

7 December. *New Plym:— At the Genall Court of o^r Soulaigne Lord Charls, by the Grace of God King of England, Scotland, France, and Ireland, Defendor of the Fayth, &c, held at Plym aforesaid, the vijth Day of Decemb^r, in the xvijth Yeare of his said Ma^{ties} now Raigne, of England, &c.*

BEFORE Wiltm Bradford, gen^t, Go^u, Cap^t Miles Standish,
Edward Winslow, Tymothy Hatherly, and
Tho^m Prence, Edmond Freeman,
Wiltm Collyer,
Gen^t, Assistant℥, &c.

WALTER DEVILE complains agst Wiltm Chase in an action of debt, requiring him to pay him iij^{li} xvij^s. The jury fynd for the p^ttiff iij^{li} xvij^s debt, and the charges of the suite.

Kenelme Winslow complains agast John Shawe thelder, in action of trespas vpon the case, to the da^mn of x^{li}. The jury fynd for the p^ttiff, and assesse 6^s da^mn, and the charges of the suite.

The Juries Names.

1641.

7 December.
PART I.

John Done,	}	sworn.	James Hurst,	}	sworne.
Edward Bangs,			Manasseth Kempton,		
Thoñ Cushman,			John Finney,		
Richard Sparrow,			W ^m Fallowell,		
Steephens Tracy,			Xpfer Waddesworth,		
John Jenkins,			John Rogers,		

W ^m Hoskins,	}	Manassē Kempton,
Thoñ Clark,		John Rogers.

*The Attachment taken out agst James Luxford.

[*17.]

Wilm Paddy, compl^t agst James Luxford, in an action of tresp^s
vpon the case, to the dañ of vj^{li}, attached 3^{li} 10^s, in Nath^l Southers hands ;
^ ^ in M^r Brewsters handℓ; ^ ^ in Thomas Lettis handℓ. Judg-
ment granted for vj^{li}.

M^r John Atwood compl^{ts} agst James Luxford, in an action of trespas
vpon the case, to the dañ of xxx^{li}. Moneys, goods, & debtℓ, attached, are as
followeth : —

Inpri ^s , i plough share, 9 ^{li} 2 ^d , at 5 ^d , ...	00 : 04 : 00
I [℥] , 10 ^{li} of rings and staples, ...	00 : 05 : 00
I [℥] , 5 ^{li} 5 oz tobacco, at 2 ^s , ...	00 : 10 : 07
I [℥] , 18 knottℓ of heire buttons, a 5 ^d , ...	00 : 07 : 06
I [℥] , 3 pair of spurs, 7, ...	00 : 01 : 09
I [℥] , 5 percers, ...	00 : 00 : 08
I [℥] , i measure, ...	00 : 01 : 06
I [℥] , 4 capps, ...	00 : 02 : 00
I [℥] , 6 weyer candlestickℓ at 5 ^d , ...	00 : 02 : 06
I [℥] , i pair of chest hinges, at 8 ^d , ...	00 : 00 : 08
I [℥] , old iron and a hooke, ...	00 : 00 : 04
I [℥] , 4 payles, ...	00 : 04 : 00
I [℥] , 3 peckℓ of Indian, 1 peck of rye, ...	00 : 03 : 03
I [℥] , 3 cases, ...	00 : 09 : 00
I [℥] , 1 goat skin, ...	00 : 01 : 00
I [℥] , 1 hogshhead, ...	00 : 01 : 00
I [℥] , 3 old books, ...	00 : 00 : 03
I [℥] , in John Allens handℓ, ...	01 : 08 : 00

1641.

7 December.
PART I.

Iř, in Edmond Tilsons handł,		00 : 12 : 00
It, in M ^r Hicks handł,		00 : 05 : 06
Iř, in Joseph ^ handł,		00 : 02 : 00
Iř, W ^m Hoskins handł,		‡00 : 03 : 00‡
Iř, in Welbs handł,		00 : 14 : 00
Iř, in Holmes handł,		00 : 14 : 06
Iř, in Tristrum Clarks handł,		00 : 13 : 05
Judgment granted,		<u>07 : 04 : 05</u>
P ^d the jury 6 ^s 6 ^d , who praised the goods.		

James Cole comptns agst James Luxford, in an action of trespass vpon the case, to the dañ of v^{li}. Goods attached are these : —

Inprīs, i shute & cloak,		02 : 05 : 00
Iř, 7 duz & 3 bandł, at 3 ^s ,		03 : 05 : 03
Iř, 2 duz, at 7 ^s 6,		00 : 15 : 00
Iř, 6 bandł, 5 ^s 6,		00 : 05 : 06
Iř, 6 bandł, at 5 ^s ,		00 : 02 : 06
Iř, i pair gloues, at 3,		00 : 03 : 00
Iř, i oz. $\frac{1}{4}$ silk,		00 : 02 : 06
Iř, 2 leather caps, at 6,		00 : 01 : 01
07:00:09 Iř, 2 capps, at		00 : 01 : 01

P^d the jury 6^s 6^d who prized the goods. Judg^{nt} giuen for v^{li}. The rest was attached by Edward Dotey.

Edward Dotey complains agst James Luxford, in an action of trespass vpon the case, to the dañ of vij^{li}. Goods & debtł attached. In James Coles handł.

Iř, in W ^m Tubbs handł,		01 : 14 : 00
Iř, in John Chaundlers handł,		00 : 07 : 10
Iř, in Thofñ Cushmans handł,		00 : 05 : 02
Iř, in Robert Finneys handł,		0

[*18.]

*Robte Waterman comptns agst James Luxford, in an action of trespass vpon the case, to the dañ of vij^{li}. Bone lace attached.

Iř, 3 yerđł $\frac{1}{2}$ ellne of bone lace, at 4 ^s ,		00 : 14 : 06
Iř, 7 yerđł $\frac{1}{2}$ at 2 ^s 6 ^d ,		00 : 18 : 09
Iř, 4 yerđł at 18,		00 : 06 : 00

Iř, 26 yerd $\frac{1}{2}$ at 16, ...	01 : 15 : 04
Iř, i yerd $\frac{1}{2}$ at 4 ^s , ...	00 : 06 : 00
Iř, 15 yerd $\frac{1}{2}$ at 10 ^d , ...	00 : 12 : 11
Iř, 17 yerd $\frac{1}{2}$ at 16, ...	00 : 02 : 00
Iř, 33 yerd $\frac{1}{2}$ at 8, ...	00 : 11 : 08
Iř, yerd at 10, ...	01 : 07 : 06
Iř, 3 yerd at 6 ^d , ...	00 : 01 : 06
Pd the jury 6 ^s 6 ^d who prized the goodℓ. Judgment granted.	

1641.
 7 December.
 PART I.

6 : 16 : 02

Thomas Sheriue & Wilm Browne comptd agst James Luxford, in an action of trespas vpon the case, to the dañ ^ Goods attached, 4 goatℓ & a lamb in Samuell Eddys and Josuah Pratts hand, prized at 33^s; in Groomes handℓ, 4^s 4^d; in Thoñ Lettis handℓ, viij^s; Georg̃ Clarks handℓ, 18^d.

Richard Sparrow comptns agst James Luxford, in an action of trespas vpon the case, to the dañ of x^s debtℓ. Attached what is in W^m Fallowells & John Woods handℓ, to the value of x^s. Judg^{mt} graunted.

Georg̃ Bonum & Thoñ Clark comp^l agst James Luxford, in an action of trespasse vpon the case, to the dañ of x^{li} debtℓ. Attached.

In the handℓ of Joseph Greene, ...	00 : 12 : 01 $\frac{1}{2}$
In the handℓ of Thoñ Morton, ...	00 : 15 : 01
In the handℓ of Georg̃ Soul, ...	2 : 6 : 11

Mr Thoñ Burne comptns agst James Luxford, &c.

Jonathan Brewster comptns ag^t James Luxford, &c, 50^s.

Mr John Howland comptns agst the s^d James Luxford, in an act of trespas vpon the case, to the dañ of v^{li}.

John Dunham, Junio^r, comptns agst the same for v^s in John Waits hands, &c.

Stephen Hopkins for 12^{li} 10^s.

*The juries names that prized the goods agst the said Luxfordℓ before are these : — [19.]

1641.

7 December.
PART I.

John Done,	} sworn.	James Hurst,	} sworn.
Edward Bangs,		W ^m Hoskins,	
Tho ^m Cushman,		John Finney,	
Richard Sparrow,		W ^m Fallowell,	
Stephen Tracy,		X ^p ofer Waddesworth,	
John Jenkins,		Tho ^m Clarke,	

1641-42. **New Plym*:— *At the Genall Court of our Souaigine Lord the King, held at Plym aforesaid, the first Day of March, in the xvijth Yeare of the now Raigne of o^r said Souaigine Lord Charles, by the Grace of God King of England, Scotland, France, and Ireland, Defendor of the Fayth, &c.*

1 March.

BEFORE W^m Bradford, gen^t, Go^u, Miles Standish,
Edward Winslow, Tymothy Hatherley, and
Tho^m Prence, Edmond Freeman,
Wil^m Collyer,
Gen^t, Assistant^l, &c.

JOHN BARNES compt^s agst Tho^m Clark, in an action of debt, requiring him to pay him xxx^{li} vpon a bill. The jury found for the p^ttiff, and assesse xxx^{li}, and the cost & charges of the suite. Judg^{nt} graunted.

Nicholas Symkins compt^s agst John Gray, in an action of assault, to the da^m of v^{li}. The jury fynd for the p^ttiffe, & assesse da^m xxxv^s, and cost & charges of the suite. Judg^{nt} graunted.

Wil^m Parker compt^s agst Wil^m Powell, in an action of trespas vpon the case, to the da^m of 4^{li} 4^s. The jury fynd for the p^ttiff, assesse da^m iij^{li} xvij^s, & costs & charges of the suite. Judg^{nt} & execu^cõn graunted.

The juries names for tryall of these suit^l are these : —

Mr Edward Dillinghame,	} sworn.	Stephen Tracy,	} sworn.
Mr Tho ^m Dimmack,		Richard Church,	
Mr John Vincent,		James Hurst,	
Mr James Cudworth,		Tho ^m Cushman,	
Humphrey Turner,		Richard Sparrow,	
Christopher Waddesworth,		Edward Bangs,	

Georg Allen complns agst Edward Wollenston, gen^t, in an action of 1641-2.
 trespas vpon the case, to the da^m of iiij^{li}. Two swine were attached, w^{ch} are
 to remayne vnder attach^{nt} vntill the next Gen^{all} Court. 1 March.
PART I.

*The jury for the trauerse vpon the p^{sentment} agst John Barnes for March 1, 1641.
 extortion, in selling but ounce of bl. xbr., three for viij^d, thē found him not [*20.]
 guilty: —

Josias Winslow, Thomas Willett, John Groome, Anthony Annable, Henry Bourne, Tho ^m Byrd,	} } } } } }	} sworne.	{ { { { { {	Samuell Hicks, Josias Cooke, Joseph Rogers, Loue Brewster, Georg Bower, Dolor Davis,	} } } } } }	} sworne.
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New Plym: — *At a Court of Assistant^e held at Plym afores^d, the* 1642.
third of May, in the xvijth Yeare of his Ma^{ties} now Raigne, of 3 May.
England, &c.

BEFORE Wil ^m Bradford, gen ^t , Go ^{vt} , Edward Winslow, Thomas Prence,	Wil ^m Collyer, Miles Standish, and Edmond Freeman,
Gen ^t , Assistant ^e .	

JAMES CUDWORTH complns agst Tho^m Byrd, in an action of trespasse
 vpon the case, to the da^m of xij^{li}. The jury fynd for the p^{tiff} vj^{li} v^s
 and xij^d da^m, & the charges.

The Juries Names.

M ^r John Atwood, M ^r John Doane, M ^r W ^m Paddy, James Cole, Gyles Rickett, George Bower,	} } } } } }	} sworne.	{ { { { { {	James Hurst, John Shawe, John Winslowe, Samuell Hicks, Rob ^{te} Finney, Joseph Rogers,	} } } } } }	} sworne.
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Whereas M^r Gray hath by M^r Paddy comēced a suite against Walter
 Devell for xiiij bushells of corne oweing by him to M^r Hedg^e, of Yarmouth,

1642.

3 May.
PART I.

and ix bushells of corne oweing by him to Gyles Hopkins, of the same, the Court doth order, that the said Walter Deuell shall forthwth pay fiue bushells of corne either to M^r Paddy at Ply^m, or to M^r Gray at the stage, and wthin xxjth dayes now next ensuing deli^u the remaynder of the said xxij bushels either to the said M^r Paddy or M^r Gray, and pay the damage & charges of sending it to Yarmouth, or el^s execu^cōn is graunted.

Execu^cōn taken out for 3^{li} 9^s; 5^s charges, & 3^s 2^d.

All . . . 3 : 17 : 02.

7 June.
[*21.]

**New Ply^m:— 1642. At the Genall Court of o^r Soulaigne Lord Charles, by the Grace of God King of England, Scotland, France, & Ireland, Defendor of the Fayth, &c, holden at Ply^m afores^d, the vijth of June, in the xvijth Yeare of his said Ma^t^{ies} now Raigne, of England, &c.*

BEFORE Wilm Bradford, gent, Go ^u ,	Tymothy Hatherley,
Edward Winslow,	John Browne,
Thomas Prence,	Wilm Thomas, &
Wilm Collyer,	Edward Freeman,
Gentlemē, Assistant ^l , &c.	

THOMAS BYRD comp^lns agst James Cudworth, in an action of trespas vpon the case, to the da^m of 40^{li}. The jury fynd for the p^tiffe xl^s damage, and the charges of the suite. Judgment graunted.

John Joyce comp^lns against Walter Deuell, in an action of trespas vpon the case, to the da^m of xl^{li}. The jury fynds for the p^tiffe vij^{li} da^m, and the costs & charges of the suite. Judg^{nt} & execu^cōn graunted. Execu^cōn made for vij^{li} da^m, xiiij^s vj^d charges, & 20^s for transporta^cōn of the corne to Sandwich, or so much as it costeth.

Samuell Hinckley comp^lns agst M^r Joseph Hull, in an action of trespas vpon the case, to the da^m of x^{li}. The Court awarded the p^tiffe v^s, charges of the def^{nt}, because, being warned, he neither came in pson nor appoynted any to answere for him.

Robte Dennis comp^lns against Nicholas Symkins, in an action of slaunder,

to the dam of x^h. This action is referred to be decided by M^r Freeman at a Court held in those pt^l or otherwise.

1642.

7 June.
PART I.

The juries names are these :—

Mr Anthony Thacher,	} sworne.	Francis Cooke,	} sworne.
Manasseth Kempton,		James Hurst,	
Walter Deane,		Richard Sparrow,	
Edmond Hawes,		Thoñ Cushman,	
John Rogers,		Edmond Tilson,	
John Smaley,		Josias Cooke,	

**New Plym:— 1642. Bradford, Gou. At a Genall Court of o' Sou- 7 September.*
*aigne Lord Charles, by the Grace of God King of England, [*22.]*
Scotland, Franċ, & Ireland, Defendor of the Fayth, &c, held at
Plym afores^d, the vijth of Septembr, in the xvijth Yeare of his
said Ma^{ts} now Raigne, of England, &c.

BEFORE Wilm Bradford, gent, Gounr, John Browne,
 Thomas Prence, Edmond Freeman, &
 Wilm Collyer, Wilm Thomas,
 Tymothy Hatherly,
 Gent, & Assistantl, &c.

SAMUELL HINCKLEY complains against M^r Joseph Hull, in an action of trespass vpon the case, to the da^mn xlⁱ. This action was agreed by mutuall consent.

Richard Church comptns against Mathew Fuller, in an action of trespass vpon the case, to the dañ of xx markes. The jury fynd for the pttiff lvijs debt, xxs dañ, and the charges of the suite. Judgment & execucon graunted.

Mr Willm Hanbury complains against John Shaw, in an action of trespass vpon the case, to the dam of v^{li}. The jury fynd for the p^ttiff iiii^jlⁱ debt, 2^d dam, and charges of the suite. Judgment graunted.

Josias Winslow complains against Wilhm Hiller, in an action of debt, that he

1642. pay forthwth *pay* him xiiij^{li} xv^s vpon a bill w^{ch} he vndertooke to pay one
 7 September. ^ Boswell. The debt of xiiij^{li} was confessed, and judgement graunted.
 PART I. 14 dayes respite for execucon.

The Juries Names.

Mr Wiltm Wetherrell,	} sworne.	{ John Washborne,	} sworne.
Gabriell Falloway,		{ John Farnyce,	
Thomas Chambers,		{ John Paybody,	
John Twisden,		{ Francis Cooke,	
Henry Cobb,		{ John Jenkins,	
Edward Case,		{ Richard Higgens,	

1 November. *New Plym: — At a Court of Assistant^e holden at Plym the first Day of Novemb^r, in the xviiijth Yeare of the now Raigne of o^r So^laigne Lord Charles, by the Grace of God King of Eng-land, &c.*

BEFORE Wiltm Bradford, gen^t, Go^u, Wiltm Collier,
 Edward Winslow, John Browne, &
 Thomas Prence, Edmond Freeman,
 Gentl^e, Assistant^e, &c.

ROBERT MORRIS complains against John Hassell, in an action of tres-
 pas vpon the case, to the da^m of xx^{li}. The jury fynd for the p^tiff,
 & assesse 5^{li} da^m, and the charges of the suite.

The Juries Names.

Mr John Done,	} sworne.	{ John Jenkins,	} sworne.
John Dunhame,		{ Gabriell Fallowell,	
Thomas Cushman,		{ James Cole,	
Josias Cooke,		{ Thomas Clarke,	
Josuah Pratt,		{ Mathew Fuller,	
Richard Church,		{ Rob ^t e Paddock,	

[*23.] *Mr John Throckmorton complⁿeth agst Mr John Gilbert, in an action of
 Bradford, Gou^r. trespasse vpon the case, to the da^m of 4^{li}. This action was wthdrawne, and
 referred by consent of both p^ties to be ended by Mr John Jenney & Nathaniell

Sowther, who arbitrated, and ordered the said M^r Gilbert to pay the said M^r Throckmorton xxx^s in money, corne, beauer, or cattell, or to M^r Jenney for his use, and vpon receipt thereof, the said M^r Jenney to giue him a full discharge for it, in M^r Throckmortons name, w^{ch} he hath power to do by vertue of a tre of attorney directed to him from M^r Throckmorton, vnder his hand, beareinge date the xjth of the vijth month, 1642.

1642.

1 November.
PART I.

New Plym: — At the Genall Court of o^r Soûaigne Lord the King, holden at Plym aforesaid, the vijth Day of March, in the xvijth Yeare of the Raigne of our Soûaigne Lord Charles, by the Grace of God King of England, Scotland, Franç, & Ireland, Defendor of the Fayth, &c.

1642-3.

7 March.

BEFORE W ^m Bradford, gent, Goſ,	Tymothy Hatherley,
Edward Winslow,	John Browne,
Thomas Prence,	Edmond Freeman, &
Willm Collyer,	Willm Thomas,
Gentlemē, Assistant℥, &c.	

M^R WILLEM HANBURY comptns agst M^r Andrew Hellot, in an action of debt vpon a bill of vj^{li} ix^s ix^d. The jury fynd for the p^{ti}tiffe the debt, vj^{li} ix^s ix^d, and ij^d dañ, and the charges of the suite. Judgment & execu^cōn graunted.

Joseph Ramsden comptns agst M^r John Jenney, in an action of trespas vpon the case, to the dañ of xxx^{li}. The jury fynd for the p^{ti}tiffe, & assesse xij^s dañ, and the charges of the suite.

John Coggen comptns agst M^r Joseph Hull, in an action of trespas, &c. Two steers attached, w^{ch} are so to remayne vntill the action be tryed, or the debt payd.

John Tompson comptns agst John Holmes, in an action of trespas vpon the case, to the dañ of iij^{li}. The jury fynd for the p^{ti}tiff liij^s x^d debt, x^s dañ, & charges of the suite.

1642-3.

7 March.
PART I.

The Names of the Jury.

James Hurst,	} sworne.	Humphrey Turner,	} sworne.
Francis Cooke,		John Smaley,	
Nicholas Snow,		John Williams,	
John Jenkins,		Joseph Rogers,	
Richard Higgens,		Thomas Burges,	
Edmond Tilson,		Josuah Pratt,	

1643.

6 June.
[*24.]

**New Plym: — At a Genall Court holden at Plym afores^d the vjth of June, in the xixth Yeare of the now Raigne of our Souaigine Lord Charles, by the Grace of God King of England, Scotland, France, and Ireland, Defendor of the Fayth.*

BEFORE Wilkm Bradford, gen^t, Go^ur, Wilkm Collyer, and
Edward Winslow, Wilkm Thomas,
Thomas Prence,
Gentlemē, Assistant℄, &c.

JOSEPH HOLWAY comptns agst M^r Joseph Hull, in an action of trespass vpon the case, to the dañ of 5^{li}. Two steers were attached by the constable of Yarmouth. The deffent made no answer. The debt of iij^{li} xiiij^s was proued by bill, and the Court awarded the said debt of iij^{li} xiiij^s, and x^s damage, and the charges of the suite.

Joseph Holtway comptns agst Josias Cooke, in an action of trespass vpon the case, to the dañ of iij^{li}. He confessed by M^r Done the debt of ^ ^ and desireth mittigaçõn of M^r Holmes charges.

M^r John Jenney comptns agst Samuell Stertevaunt and Joseph Ramsden, in an action of trespass vpon the case, to the dañ of xx^{li}. This was referred to be ended by the bench, and a formⁿ action, wherein the said Joseph Ramsden recofied agst the s^d M^r Jenney.

James Hunkins comptns agst M^r John Groome, in an action of trespass vpon the case, to the dañ of xx^{li}. The jury fynd for the p^tiff v^{li} viij^s, and charges of the Court. Judgment graunted.

John Gilbert, Jun^r, comptns agst M^r Francis Doughty, in an action of trespass vpon the case, to the dañ xx^s. 6 bushells of corne attached by the constable of Taunton; the deffent^r made no answere. The Court awards the corne to the p^tiff, onely Thomas Gilbert promiseth to make it good if the debt be not proued.

1643.

6 June.
PART I.

The Jurys Names.

James Hurst,	}	sworne.	Robte Bartlett,	}	sworne.
Manasseth Kempton,			Robte Finney,		
Edward Banges,			Samuell Hicks,		
Josuah Pratt,			John Smaley,		
Giles Rickett,			James Cole,		
Nicholas Snow,			Daniell Cole,		

**New Plym*: — *At a Court of Assistant^e holden at Plym aforesaid* 7 November.
the vijth of Novemb^r, in the xixth Yeare of the now Raigne of [*25.]
our Souaigne Lord Charles, King of England, &c.

BEFORE W^m Bradford, gentl^e, Go^u, W^lm Collyer, &
Edward Winslow, W^lm Thomas,
Tho^m Prence,
Gentl^e, Assistant^e, &c.

WILLEM HANBURY comptns agst Abraham Pearse, in an action of trespass vpon the case, to the dañ of x^{li}. The jury fynd for the def^t, & the charges of the Court.

Abraham Pearse comptns agst W^m Hanbury, in an action of trespass, for xvij bushells of corne. The jury fynd for the p^tiff xvj^{teene} bushells of Indian corne, & charges of the Court. Judg^{nt} granted.

Abraham Pearse comptns agst M^r W^m Hanbury, in an action of assault & battery. The jury fynd for the p^tiff iij^s iij^d, and charges of the Court.

John Jenkins comptns agst M^r W^lm Hanbury, in an action of trespass vpon the case, to the dañ of v^{li}. The jury fynd for the p^tiff v^{li}, and costs of suite. Judgment graunted.

1643.

7 November.

PART I.

Henry Andrewes complt̃ns agst M^r John Gilbert, Señ, in an action of trespas vpon the case, to the dañ of x^{li}. This action was wthdrawne.

John Harker complt̃ns agst Josias Checkett, in an action of trespasse vpon the case, to the dañ of x^{li}. Agreed.

The Juries Names.

Mr Stephen Hopkins,	} sworne.	Edward Banges,	} sworne.
Xp̃ofer Waddesworth,		John Cooke, Jun ^r ,	
Josias Winslowe,		James Cole,	
Josiah Pratt,		Wil̃m Hoskine,	
John Paybody,		Richard Sparrow,	
Giles Rickett,		Gabriell Fallowell,	

1643-4. **New Plym*: — *At the Genall Court of our Souaigne Lord the King, holden at Plym aforesaid, the fift Day of March, in the xixth Yeare of his said Ma^{ties} now Raigne, of England, &c.*

5 March.

[*26.]

BEFORE Wil̃m Bradford, gen^t, Gou^r, Timothy Hatherley,
Edward Winslow, John Browne,
Thomas Prence, Wil̃m Thomas, and
Wil̃m Collyer, Edmond Freeman,
Gentleñ, Assistantē, &c.

WILLEM POOLE, gen^t, complt̃ns agst Wil̃m Hiller, in an action of trespas vpon the case, to the dañ of xij^{li}. The jury fynds for the p^ttiff, and assesse viij^{li} dañ, and cost & charges of the suite. Judgment granted, satisfaccōn acknowledged by the p^ttiffe, & judgment wthdrawne.

John Mynard complt̃ns agst Thomas Burne, Kenelme Winslow, and Josias Winslow, in an action of trespas vpon the case, to the dañ of xx^{li}. The jury fynd that his xx^{li} be fully payd him, and v^s dañ, & costs & charges of the suite. Execucōn made out for 3^{li} 8^s 7^d½ debt, 10^s 6^d charges, 5^s dañ, & 7^s 6^d the execucōn.

John Smyth complt̃ns agst Wil̃m Shertcliffe, in an action of assault & battery, to the dañ of x^{li}. The jury fynd for the p^ttiff, and assesse xx^s dañ, and cost & charges of the suite. Judg^{nt} graunted.

The Juries Names.

Thomas Cushman,	} sworne.	Wilm Merick,	} sworne.
Giles Rickett,		John Rogers,	
Samuell Hicks,		W ^m Fallowell,	
Josias Cooke,		Richard Higgens,	
Thomas Whitney,		John Shawe, Señ,	
John Smaley,		Thomas Southwood,	

1643-4.

5 March.
PART I.

New Plym:— At the Genall Court of our Souaigine Lord the King, holden at Plym afores^d the fift Day of June, in the xxth Yeare of his said Ma^{ties} now Raigne, of England, &c.

1644.

5 June.

BEFORE Edward Winslow, gent, Goũr, Timothy Hatherly,
Wilm Bradford, John Browne,
Thomas Prence, Wilm Thomas, &
Wilm Collyer, Edmond Freeman,
Gentleñ, Assistant℄, &c.

THOMAS CLARKE compls against Wilm Powell, in an action of trespas vpon the case, to the dañ of vj^t. The jury fynd for the pñtiff, and assesse iiij^t, xij^s, and the charges of the Court. Judg^{nt} graunted, & execucon made for 4^t 12^s debt, & xvj^s vj^d charges.

Clement Campion compls against Wilm Powell, in an action of debt, for xij^{li} iiij^s. The jury fynd for the pñtiffe xij^{li} iiij^s debt, & charges of the Court. Judgment graunted & execucon made for so much as the oxe is worth, and the surplusage of that oxe w^{ch} Thoñ Clarke attached, & xvj^s vj^d charges.

The Jurys Names.

Edward Dillingham,	} sworne.	John Paybody,	} sworne.
John Williams,		Sañ Hicks,	
John Stronge,		Experienç Michell,	
John Deane,		Phillip Delanoy,	
Josuah Pratt,		Thomas Cushman,	
John Shawe,		Nathaniell Morton,	

1644. **New Plym*:— *At a Court of Assistantē, holden at Plym aforesaid,*
the fift Day of Novembr, in the xxth Yeare of the now Raigne of
o^r Soūaigne Lord Charles, by the Grace of God King of Eng-
land, Scotland, France, and Ireland, Defendor, &c.

5 November.
 PART I.
 [*27.]

BEFORE Edward Winslowe, gentlē, Timothy Hatherley, and
 Willm Bradford, W^m Thomas,
 Thomas Prence,
 Gentlemē, Assistantē, &c.

ARTHUR HOWLAND comp^lns against Robte Mendame, in an action of trespas vpon the case, to the da^m of vj^t, by attac^{nt} of a cow in the handē of Willm Hiller. The jury fynd for the p^ttiff vjⁱ da^m, and charges of the suite. Judgment & execu^ōn graunted vpon the cove, p^uided it shalbe lawfull for the said Robte Mendame to bring about the suite againe at any tyme wthin one whole yeare & a day if he please. John Barnes is p^{tey} for the p^ttiff, Howland.

M^r John Combe comp^lns agst M^r Tho^m Morton, in an action of trespas vpon the case, to the da^m of cⁱ goods; attached Mathew Fullers house. Respited.

M^r Richards comp^lns against Gowen White, in an action of debt, for 4^{li} 10^s. The deffen^t nil dicit. The Court awardē x^s, debt xiiij^s iiij^d, and charges of the Court. Judgment graunted.

M^r Samuell Peirce comp^lns agst M^r Willm Thomas, in an action of debt, that he pay him cxx^{li}. The jury findē for the p^ttiff, his principall lxj^{li} & xij^s, and xv^{li} da^m, and the charges of the Court. Judg^{nt} graunted. An appeale allowed to the Genall Court.

The Juries Names.

Mr John Doane,	} sworn.	Manasseth Kempton,	} sworn.
Tho ^m Cushman,		Christopher Waddesworth,	
Natha ^l Morton,		John Tisdale,	
Willm Hoskine,		Henry Sampson,	
Gabriell Fallowell,		John Washborne,	
John Finney,		John Willis,	

John Rowe acknowledged a judgment of 40^s to Cap^t Standish for killing his dogg. Execu^ōn to be made if he pay not vpon demaund.

**New Plym:— At the Genall Court of our Souaigne Lord 1644-5.
the King, holden at Plymouth aforesaid, the third Day of
March, in the xxth Yeare of his said Ma^{ty} now Raigne, of
England, &c.*

3 March.
PART I.
[*28.]

BEFORE Edward Winslow, gentl^e, Go^vnor, Willm Collyer, &
William Bradford, Willm Thomas,
Thomas Prence,
Gentlem^e, Assistant^e, &c.

JOHAN ALBY compl^{ts} against Jonathan Brewster, in an action of trespas vpon the case, to the da^m of vj^{li}. The p^tiff was called, and *and* did not p^{ro}secute. Charges awarded against.

John Ames compl^{ts} agst James Torey, in an action of slander, to the da^m of c^{li}. The deffent^r pleaded he had not witnes ready to proue his defence, & therefore was respited to the next Court. John Williams and Joseph Gilden are his sureties to answe^r the suite.

Willm Hanbury compl^{ts} agst Rob^{te} Wickson & Rob^t Eldred, in an action of trespas vpon the case, to the da^m of xxth nobles. The jury fynd for the p^tiff, and assesse vj^s da^m, and the charges of the suite.

Kenelme Winslow compl^{ts} agst M^r John Groomes, in an action of trespas vpon the case, to the da^m of iiij^l. The jury fynd for the deffent^r, & assesse ij^d da^m, and costs of the suite.

Kenelme Winslow compl^{ts} agst Willm Hoskine, in an action of trespas vpon the case, to the da^m of x^l. It is agreed that for tenn shillings worth of corne, to be payd to Mary, the wyfe of John Winslow, wthin xiiij dayes next ensuing, all differenc^e, suits, and actions betwixt them shalbe discharged. M^r Thom^s Pren^e vndertook for the payment of the s^d corne.

Nathaniell Souther compl^{ts} against Rob^{te} Eldred, in an action of trespas vpon the case, to the da^m of iiij^l. The jury fynd for the p^tiffe, and assesse x^s da^m, and the charges of the suite. Judg^{mt} graunted.

Rob^{te} Wickson and Rob^{te} Eldread complnd agst W^m Hanbury, in an

1644-5. action of trespass vpon the case, to the dañ of v^{li}. The jury fynd for the p^ltiff, & asseſſe vj^s dañ, and charges of the Court.

3 March.

PART I.

The Juries Names.

John Done,	} sworne.	Robt ^e Lee,	} sworne.
Gabriell Fallowell,		Samuell Hicks,	
James Hurst,		John Farneseede,	
John Willis,		Samuell Nash,	
Richard Sparrow,		John Mynard,	
Gyles Rickett,		Josias Cooke,	

1645. **New Plym*: — *At the Genall Court of our Soüaigne Lord Charles, by the Grace of God King of England, Scotland, France, and Ireland, Defendor of the Fayth, &c, holden at Plym afores^d, the fourth Day of June, in the xxjth Yeare of his said Ma^{ty} now Raigne.*

4 June.

[*29.]

BEFORE Wil ^m Bradford, gen ^t , Go ^v ,	Miles Standish,
Edward Winslow,	Tymothy Hatherly,
Tho ^m Prence,	John Browne, and
Wil ^m Collyer,	Edmond Freeman,
Gen ^t , Assistant ^l , &c.	

OWEN WHITE compl^{ns} agst Wil^m Hatch, Senio^r, in an action of trespass for an assault, &c, to the dañ of xx^l. The jury fynd for the p^ltiff, and asseſſe xx^s dañ, and cost^l & charges of the suite. Judg^{nt} graunted.

Numquid Nummack compl^{ns} agst John Fish, in an action of trespass vpon the case, to the dañ of iij^l x^s. ij^s granted to p^lntiff for the deffent^l non apparance.

Nathaniell Sowther compl^{ns} agst John Fish, in an action of trespass vpon the case, to the dañ of xx^s. Vpon the deffent^l non apparance, the Court gaue judgment for xij^s and vj^d, and the charges of the Court.

The Jurys Names.

Mr Anthony Thacher,	}	sworne.	John Stockbridg,	}	sworne.
Humfrey Turner,			Edward Dillingham,		
Edmond Eddenden,			Thomas Tupper,		
John Strong,			Edward Case,		
Samuell Hinckley,			Wilm Parker,		
Thomas Hyland,			Thomas Clapp,		

1645.

4 June.
PART I.

New Plym: — At the Genall Court of o^r Soüaigne Lord the King, 28 October.
holden at Plym the xxviijth of Octobr, in the xxjth Yeare of his
said Ma^{ties} now Raigne, of England, &c.

BEFORE Wilm Bradford, gent, Goûr,	Tymothy Hatherley,
Edward Winslow,	John Browne, and
Thomas Prence,	Edmond Freeman,
Cap ^t Miles Standish,	
Gent, Assistant℥, &c.	

NATHANIELL BOWMAN comptns against Morris Truant, in action of
 trespas vpon the case, to the dañ of iiij^l. Wilm Palmer declared
 for the plentiff, and in regard of the deffect of some euedence did not pceede,
 but payd the jury.

Roger Cooke and Wilm Lathame compns agst John Barker, and Ann, his
 wyfe, in an action of trespas vpon the case, to the dañ of xx^{li}, for the said
 Anns burneing *burneing* of their house accedentially; but the jury could not
 giue in a verdict, and the matter was ended, and the said John was content to
 giue the ptntiff℥ xx^s towards their losses.

The Juries Names.

James Hurst,	}	sworne.	Anthony Snow,	}	sworne.
Richard Sparrow,			Nathaniell Morton,		
Josuah Pratt,			John Rogers,		
Robte Bartlett,			Wilm Merick,		
John Finney,			Henry Sampson,		
Thom Cushman,			Loue Brewster,		

1646. **New Plym*:— *At a Genall Court holden at Plym aforesaid the first Tewsday in July, in the xxijth Yeare of the Raigne of our Soüaigne Lord Charles, by the Grace of God King of England, Scotland, France, & Ireland, Defendor of the Fayth, &c.*

7 July.
PART I.
[*30.]

BEFORE Wiltm Bradford, gent, Goſ, Cap^t Miles Standish,
Edward Winslow, Tymothy Hatherley, &
Wiltm Collyer, Wiltm Thomas,
Gen^t, Assistant℥, &c.

SAMUELL HARVEY comptns agst M^r Andrew Hellot, in an action of trespass vpon the case, to the dañ of vijⁱ. The ju^r fynd for the p^lntiff, vjⁱⁱ v^s debt, xv^s dañ, and cost℥ of suite. Judgment graunted, and execu^cõn to be made forth at thend of xiiij dayes, if the judgment be not satisfied in the meane tyme.

Tobias Taylor comptns against John Shawe, Jun^r, in an action of trespass vpon the case, to the dañ of 50^{li}. The jury could not agree vpon their verdict, and therefore it was referred vnto the arbitracõ of M^r Wiltm Hanbury & John Lewes for the deffent, and M^r John Alden and Thomas Clarke for the plaintiff, and if they cannot end it, then these foure to choose a fift man vnto them, and as any three or more of them agree, so to stand.

The Jurys Names.

James Hurst,	} sworne.	Samuell Nash,	} sworne.
Josuah Pratt,		Richard Sparrow,	
John Finney,		Wiltm Hoskine,	
Edmond Tilson,		Thomas Pope,	
Rob ^t e Finney,		Henry Sampson,	
Henry Howland,		Rob ^t e Wickson,	

[Here the Records of Judicial Acts cease to be in the handwriting of Mr. Souther; after a chasm of two years they appear in the chirography of Mr. Nathaniel Morton, the Secretary of the Colony.]

New Plymouth: — At a Generall Court of o^r Soueraine Lord the King, holden at Plymouth aforsaid, 1648.

3 October.
PART I.

BEFORE M^r Bradford, Gouverner, Captaine Miles Standish, and
M^r Thomas Prence, M^r Timothy Hatherley,

on the third of October, 1648.

JOHN WILLIAMS, Junier, of Sitteaat, complaineth against Ralfe Chapman, in an action of trespas vpon the case, to the damage of twenty shillings. The jury find for the plaintife, 6 pence damage and the charges of the suite.

The juryes names for this triall weer, —

sworn.	Josias Winslow,	}	sworne.	John Shaw,
	Thomas Shillingsworth,			Steuens Wood,
	Anthony Snow,			William Merick,
	Richard Sparrow,			William Brete,
	Gabriell Fallowell,			John Willis,
	Josheua Prate,			^ ^

**New Plymouth: — At a Generali Court holden at Plymouth aforsaid, the first Tusday in March, 1648.* 1648-9.

6 March.
[*31.]

BEFOR William Bradford, gen^t, Gouverner, M^r John Browne,
M^r William Colier, M^r Timothy Hatherlẽ, and
Captaine Miles Standish, M^r William Thomas,
Gen^t, Assistants.

M^r NATHANEELL WILLIS complaineth against M^r Thomas Dexter, Senĩ, in an action vpon the case, the damage off fifty four pound. The jury find for nether party, but non sute it.

M^r Thomas Dexter, Senĩ, complaineth against M^r Nathaneel Hedge, in

1648-9. an action vpon the case to the damaḡ of fifty shil. Mr Hedge did not apeer this Court.

6 March.

PART I.

Mr Thomas Dexter complaineth against Liuetennant William Palmer, in an action vpon the case, to the damage of thirty shillī. Willī Palmer did not apeer this Court. This sūt was withdrawne, by the concent of the plaintiff, and the charges, though awarded, were remited by both jury and clarke.

Mr Thomas Dexter, Senī, complaineth against Mr William Wood, in an action vpon the case, to the damage of thirty shillī. The jury find for the plaintife twenty shillī damage. Judgment graunted.

Mr Thomas Dexter, Senī, complaineth against Mr Nathaneell Willis, in an action vpon the case, the damage of fourty shilling.

Mr Thomas Dexter, Senī, complaineth against Mr Nathaneell Willis in an action vpon the case, to the damaḡ of foure pound. These two last mensioned actions weer both put into one, and verdī brought in accordingly, and the jury find for the plaintife thirty seauen shillings damage and the charges of the sute. Judgment graunted.

Mr Thomas Dexter, Senī, complaineth against M^{is} Joane Swifte, in an action vpon the case, to the damage of fourty shillī.

The jury find for the plaintife thirty shillī damaḡ, and the cost of sute. Judgment graunted.

Mr Thomas Dexter, Senī, complaineth against Mr William Wood and Anthony Wright, in an action vpon the case, to the damage of twenty three pound twelue shillings and six pence. The jury find for the deffendants tenne shillings damage, and the charges of the sute. Judgment graunted.

[*32.]

*At the same Court as on the other syd of this leafe.

Thomas Burd, of Seteaat, complained against Gorḡ Rusell, of the same place, in an action vpon the case, to the damaḡ of fiue pounds. The jury find for the plaintife fifty shillings damage, and the charges of the sute, and to make good the ould way layed out by jury, which was interrupted by him. Judgment graunted.

The jury's names y^t tried these actions at the Court aforesaid weer these 1648-9.
following : —

sworne.	Mr John Winslow,	sworne.	Thomas Southworth,	6 March. PART I.
	James Hūst,		Edward Tillson,	
	Joshua Prate,		John Morton,	
	Thomas Cushman,		Gyles Rickard,	
	Richard Sparrow,		Thomas Whitney,	
	Gabriell Falloway,		Richard Wright.	

**New Plymouth* : — *At the Generall Court holden at Plymouth aforesaid the 7th of June, 1649.* 1649.

BEFORE	Mr William Bradford, Gouverner,	Timothy Hatherlẽ,
	Thomas Prence,	John Browne, &
	William Coliar,	William Thomas,
	Captaine Standish,	
	Gen ^t , Assistants.	

M^r THOMAS DEXTER, Sen^r, complaineth against Richard Chadwell, in an action of the case, to the damma^g of of twenty pounds.

The jury find for the plaintife tenn pound damage, & the charges of the sute.

Edward Tart, of Seteaate, complaineth against Walter Briges, in an action of slander and defamation, to the damage of an hundred pound.

The jury find for the plaintife twenty shilts damage, and the charges of the sute.

M^r Timothy Hatherlē complaineth against John Hoare, in an action of trespass vpon the case, to the damage of fourty pounds.

The jury find for the plaintife fifty shillings dama^g, and the charges of the sute.

M^r Timothy Hatherlē complaineth against John Hoare, in an action of the case, to the damage of five pound.

The jury find for the plaintife three pound and eighteen shilli^{ns} damage, & the charges of the sute.

1649.

7 June.
PART I.

The names of the jury that went on these trialls weer these folōing : —

	Josias Winslow,		Georġ Lewes,
	James Hūst,		Phillip Delanoy,
	Henery Cob,		Experience Michell,
sworne.	Barnard Lumbert,	sworne.	Henery Howland,
	John Fennery,		Henery Sampson,
	Joshua Prat,		Josias Cooke.

29 October. **At the Generall Court holden at New Plymouth the 29th of October,*
[*35.] *1649.*

BEFORE	Wiltam Bradford, gen ^t , Gouer, and	Timothy Hatherley,
	Wiltam Colyare,	John Browne, &
	Miles Standish,	Wiltam Thomas,
	Gen ^t , Assistants.	

TEEAGE JOANES complaineth against Edward Sturgis, in an action of slander, to the dammaġ of an hundred pound. The jury find for the deffendant, & assesse fue shill^t dammage, and the charges of the suite.

Wiltam Wickenden complaineth against M^r Joseph Pecke, Steuen Payne, & Wiltam Sabin.

Judgment
graunted.

The jury find for the plaintife, & assesse seauen pound dammaġ, & the charges of the suit, wherof M^r Joseph Pecke is to pay thirty shillings, Steuen Payne ten shillings, & the remayning fue pound Wiltam Sabin is to pay; i. e., the charges of the suite is to bee equally borne amongst the said p^rties, viz^s, M^r Joseph Peck, Steuen Payne, & Wiltam Sabin.

The Juryes Names.

James Hurst,	} sworne. {	Richard Sparrow,	} sworne.
Gabriell Fallowell,		John Shaw,	
Joshua Prat,		Wiltam Mericke,	
John Morton,		Henery Howland,	
Thomas Whitney,		Edward Tilson,	
Leiuetenant Thō Southworth,		Richard Wright,	

Att the Generall Court holden at New Plymouth the sixt of March, 1649-50.
1649.

6 March.
 PART I.

BEFORE Wilkam Bradford, gen^t, Go^u, Captaine Miles Standish,
 Wilkam Colliare,
 Gen^t, Assistants.

M^R WILLEAM HEDGE, of Yarmouth, complaineth against Robert Nash, of Boston, in an action of the case, to the dammag^e of eleven pound. The jury find for the plaintife eight pound damage, & the charges of the Court, & leaue him, if hee please, to prossecute concerning the year-linges & the rest of the coves y^t are not with calfe, which are conserved in this suite.

Edward Doty complayneth against John Shaw, Junⁱ, in an action of the case, to the dammage of tenn pound. The jury find for the plaintife thirty five shillings dammage & the charges of the Court, & the deffendant to make good the iron worke vnto the plaintife.

The juryes names are these : —

Mr John Winslow,	} sworne.	Thō Whitney,	} sworne.
James Hurst,		Robert Bartlet,	
Joshua Prat,		Gyles Rickard,	
Leiuetennant Thō		Richard Sparrow,	
Southworth,		Richard Wright,	
John Finney,		Andrew Ringe,	
Edward Tillson,			

Edward Gray was supenaed to giue testimonie in the case betwixt Edward Doty & John Shaw, Junⁱ, & there rests due vnto him for a daies worke in y^t behalfe.

1650. *Att the Generall Court holden att New Plymouth the sixt of June,*
1650.

6 June.

PART I.

BEFORE Willam Bradford, gen ^t , Go ^v ,	Timothy Hatherley,
Tho ^s Prence,	Willam Thomas, and
Willam Collyare,	John Alden,
Captaine Miles Standish,	
Gen ^t , Assistants.	

M^R THO : ROBENSON complained against Isaake Stedman, in an action of the case, to the damage of fourty pound. The jury found for the plaintiff twenty pound dammage, and the cost of the suite, which was 02^l 10^s.

Willam Nicarson complained against Thō Stare, in an action of the case, to the damage of twenty two pound and one shillinge. The jury found for the plaintiffe two pound and one shilling debt, and two shillings dammage, and the charges of the suite. The charges are 01^l 18^s.

John Shawe, Jun^r, complained against Edward Doty, in an action of the case, to the dammage of ten pound. The jury found for the deffendant, to haue his charges expended by this suite, which was for his attending the Court two daies, three shillings.

John Shawe, Jun^r, complained against Edward Doty, in an action of trespass vppon the case, to the damage of twenty pound. The jury found for the plaintiffe three shillings damage, and the charges of the suite, which was 16^s 6^d.

Thō Bonny complained against Jonathan Brewster, the younger, in an action of the case, to the dammage of twenty shillings. The jury found for the deffendant, to haue his charges, and to pay vnto the plaintiffe foure shillings and sixpence in currant pay.

The charges allowed by the Court vnto Jonathan Brewster, the younger, from Thō Bonny, is for foure joies six shillings.

The jury's names which tried these actions were these following :—

1650.

Richard Sparrow,	} sworn.	Samuell Mayo,	} sworn.
John Williams, Senr,		Robert Botfish,	
Thō Burd,		Robert Dennis,	
Mr Edmond Hawes,		Edward Sturgis,	
Henery Cob,		James Walker,	
Henery Rowley,		Thō Whitney,	

6 June.
PART I.

Onely in tryall of two of the aboue said action, viz^s, Mr Thō Roben-
sons and the last of John Shawes, Thō Whitney was absent, and George
Maash was in his stead.

**Att a Court of Assistants holden att New Plym the 7th of August,* 7 August.
1650. [*38.]

BEFORE Willam Bradford, gent, Gouer, Timothy Hatherley,
Willam Collyar, Willam Thomas, and
Captain Standish, John Alden,
Gent, Assistants.

M^R ARTHUR HOWLAND complained against Walter Baker, in an
action of the case, to the damage of 1^l 10^s.

The Court found the said sum of 1^l 10^s due vnto the said Mr Arther
Howland from the said Walter Baker, and therfore awarded a sertaine suite
of clothes atached by warrant from Mr Hatherley vnto the said Mr Arther
Howland, provided hee pay Mr Floyde, of Scittuate, for the making of them ;
and also y^t hee put in securitie to the Court to answare the said Baker, if hee
doe apeere and prosecute att any time betwixt this and the next Generall
Court ; which hee accordingly did.

**Att the Generall Court holden att New Plym the 2^{cond} of October,* 2 October.
1650. [*39.]

BEFORE Willam Bradford, gent, Captaine Miles Standish,
Gouer, Timothy Hatherley,
Thō Prence, Willam Thomas, and
Willam Collyare, John Alden,
7 Gent, Asistants.

1650. **L**EIUTENANT WILLAM PALMER complained against Thō Starr, in an action of defamation, to the damage of fifty pound.

2 October.
PART I.

Willam Nickarson complained against Thō Starre, in an action of defamation, to the damage of an hundred pound.

Willam Nickarson complaineth against Robert Dennis, in an action of defamation, to the damage of an hundred pound.

Mr Edward Dillingham, Robert Dennis, Mr Thō Howes, Mr Willam Hedge, John Wing, Francis Baker, John Marchant, Richard Seares, Willam Pearse, Thō Starre, Peeter Worthen, Thō Boardman, Beniamine Hammond, Willam Clark, Willam Lumpkin, Willam Eldred, and Yelverton Crow, did complaine against Willam Nickarson, in an action of slander, to the damage of an hundred pound.

These abouemencioned actions were referred to the magestraits, to deside and compose them. They ordered, therefore, as followeth, videlecet : concerning the actions of defamation betwixt Leiuetenant Palmer and Thō Starr, and William Nickarson and Thō Starre and Robert Dennis, that iniuries bee put vpp on both sides, and so rest.

And concerning the action of defamation or slander, comēced by Mr Edward Dillingham and the rest against Willam Nickarson, as abousaid, the Court doe judg y^t the said Willam Nickarson, in regard of his offensive speeches against sundry of the towne, to haue carried himselfe therin vnworthly, and desire him to see his euell therin, and to bee rēdy to acknowledg it ; and y^t those hee hath offended in that behalfe should rest therin.

Mr Edward Dillingham, Mr Edmond Hawes, John Winge, Thō Boardman, Richard Seares, Robert Allen, Willam Lawrance, Willam Lumpkin, Willam Eldred, Samuell Ryder, Mr Anthony Thatcher, Thō Payne, Roger Ellis, Richard Templer, Thō Starr, Francis Baker, Thō Flaunce, and Willam Twine, doe complaine against Mr John Crow, Willam Nickarson, and Leiuetanant Willam Palmer, in an action of trespas vppon the case, to the damage of sixty pound.

Leiuetanant Willam Palmer also complained against Thō Boardman and John Wing, in an action of the case, to the damage of thirty pound.

In the contreuersy betwixte Leiuetenant Palmer and the towne of Yarmouth, about the land att Sasuett Neck, which hath reference to the two actions next aboue entered, they being allso refered to the Court to end, the said Court doth order as followeth: that the said towne doe suffer him to haue and peacably to enioy the land graunted him on the said necke, or the other place or farme to bee purchased, spoken of in the Court, belonging vnto John Wing, on Sasuett aforsaid; which was latly M^r Mathews land.

1650.

2 October.
PART I.

*Att the same Court as on the other side this leafe. Grigory Armstrong complained against Robert Nash, in an action of the case, to the damage of ten pound.

[*40.]

The jury find for the plaintife, and condeñ the goods of Robert Nash atached in the hands of Wiltam Browne.

M^{rs} Sara Jenings complained against Robert Nash, in an action of the case, to the damage of fiue pound.

The jury find for the plaintife, and condeñ the goods atached in the hands of John Barnes, of Plym, and allow her ten shillings damage, and the charge of the suit.

An execution was graunted vnto the said M^{rs} Sarā Jenings, vppon the goods of Robert Nash, of Boston, in the hands of John Barnes, of Plym, to satisfy vnto her the sum of three pound and ten shilling debt, to bee paid in mony, and ten shillings damage, and the charges of the suit, which coms to 01ⁿ 01^s 03^d.

Wherof the said Nash was conuict in course of law.

John Goare complained against Abner Ordway, in an action of the case, to the damage of twenty pound. The plaintife was satisfyed, as by a bill, which came signed with M^r Nowells hand, apeered.

John Turner, the elder, complained against Wiltam Besto, in an action of trespas vppon the case, for the carrying away of hay, to the damage of five pound, but could not proceed for want of witnes; and the Court awarded vnto the said Besto 4^s 6^d for charges of apeereance, and the plaintife to pay the charges of the Court.

Beniamine Nye complained against Thō Dexter, Junⁱ, in an action of trespas vppon the case, to the damage of ten pound. The jury find for the plaintife, and allow fiueteene shillings damage, and the cost of the suite, onely judgment for the p^sent defered. Richard Chadwell, Richard Bourne, and

1650.

Robert Botfish were suppeined for wittnesses for this suite, and did apeere and giue testimonye on the behalf of Beniamin Nye aforsaid.

2 October.

PART I.

Willam Maycomber complaineth against John Rogers, in an action of the case, to the damage of fourty pound. The jury find for the defendant the charges of the Court.

The Jury's Names.

sworne.	{	John Cooke, Junī,	}	sworne.	{	Joshua Pratt,	}
		James Hurst,				Thō Whitney,	
		John Morton,				Christofer Waddsworth,	
		Richard Sparrow,				William Bret,	
		Richard Wright,				Robert Feney,	
		Gabriell Fallowell,				Willam Paybody.	

1650-1. *Att the Generall Court holden at New Plym the 4th of March, 1650.

4 March.

[*41.]

BEFORE Willam Bradford, gentelman, Goſſ,
Willam Collyar,
Miles Standish,

Timothy Hatherley,
Willam Thomas, and
John Alden,

Gen^l, Assistants.

WHEREAS Anthony Wright comēced suite this Court against Ralph Allen, Junī, in an action of the case, to the damage of five pounds, for detaining a young steere contrary to right, the Cort haue ordered, by consent of both pties, that three men bee chosen, videlecet, two out of Barnstable and one out of Sandwidg, to view the markes of the said steere, and to determin the case about him ; and that whatsoever the said three men, or any two of them, shall agree in about the said controuersy, shall stand feirm for the ending therof, and execucion to proceed. Accordingly three men were chosen, videlicet, John Coocker and Thō Burman, of Barnstable, and Edmond Freeman, the cunstable of Sandwidge, and that eich of them beare the charges of their owne wittnesses.

Willam Lumkin, Thō Boardman, Francis Baker, complaineth against Leiuetenant Willam Palmer, in an action of the case, to the damage of fourty pound.

Concerning the difference betwixt Leiuetenant Palmer and the towne of 1650-1.
 Yarmouth, about the land at Sasuit Neck, the Court haue ordered, that Mr
 Prence and Captaine Standish doe meet together at Yarmouth as soone as con-
 veniently they can, about the said difference, and to put an end therunto, if
 they can; but in case they cannot, that then Captaine Standish doe graunt
 summons for the triall of the action, and subpenaes for wittnesses vpon the
 same suite, to bee answered at June Court.

4 March.
 PART I.

Vnto which the
 action next
 aboue mencion-
 ed hath ref-
 erence.

John Turner, the elder, complaineth against Wilłam Versto, in an action
 of trespass vpon the case, to the damage of twenty pounds, for the taking
 away a certaine pcell of hay from the meddow of the said John Turner.

The jury find for the plaintife five shillings damage, and the charges of
 the suite. Judgment graunted vnto John Turner according to the vertite.

The Court allow five shillings to John Versto for charges of appeerance
 as a wittnesse at this Court.

Mr Wilłam Allford, of Boston, complained against Captaine Nathaniell
 Thomas, in an action of the case, to the damage of seauen pounds. The
 jury find for the plaintife five shillings damage, and the bill and charges of
 the suite. Judgment was respeted vtell the next Generall Court.

*Att the same Court as on the other side of this leafe, James Cole, Senī, [*42.]
 complained against James Shaw, in an action of the case, to the damage of
 fifty shillings.

The jury find for the plaintife the debt, which is six and thirty shillings,
 and charges of the suite.

The jury's names were these following : —

sworne.	{	John Cooke, Junī, James Hurst, Gabiell Fallowell, Richard Sparrow, Joshua Prate, Thō Whitney,	}	sworne.	{	Thō Heward, Senī, Robert Finey, John Willis, Samuell Sturtivant, John Wood, Richard Wright.	}
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In the last of the aboue mencioned actions, Christopher Waddsworth
 was in the roome of Thō Whitney.

1651. *At the Generall Court holden at New Plym the 7th of June, 1651.*

7 June.
PART I.

BEFOR Wiltam Bradford, gent, Gou^r, Miles Standish,
Thō Prence, Timothy Hatherley, and
Wiltam Collyar, John Alden,
Gent, Assistants.

ANTHONY WRIGHT complained against Ralph Allen, Junī, in an action of trespass on the case, to the damage of ten pound. The jury find for neither p^tie, but leaue it as they found it. Judgment graunted.

Thō Tilden and Moris Truant complained against Joseph Tilden, in an action of the case, to the damage of five pound. The jury find for the plaintife, and assese 3 shillings damage, and the charges of the suite.

The charge of this was 2^t 2^s.

Mr John Varssell complained against Edward Jenkins, in an action of defamacion, to the damage of twenty pound. The jury find for the plaintife a five pound damage, and the charges of the suite came to one pound & 14^s. Judgment graunted.

Mr John Varssell complained against Humphry Turner, in an action of defamacion, to the damage of twenty pound. They find for the defendant the cost of the suite.

The Juries Names.

sworne.	Wiltam Nicarson, Mr Thō Howes, Richard Sparrow, Joshua Prat, Thō Hinckly, Ephraim Morton,	}	sworne.	Phillip Delanay, Richard Wright, John Chipman, John Tompson, Steuen Wood, Christofer Waddsworth.
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**At the Generall Court holden att New Plym the 7th of October,* 1651.
1651.

7 October.
PART I.
[*43.]

BEFORE Wiltam Bradfoř, genř, Gouerř, Miles Standish, and
Thõ Prence, Timothy Hatherley,
Wiltam Collyare,
Genř, Assistants.

JOSIAH COOK, of Eastham, complained against John Smith, Senior, of Plym, in an action of slaunder, to the damage of forty pound. This action with drawne on condicion the defendant would acknowlidg his fault, which accordingly hee did in open Court, and that hee had much wronged the plaintife by his vnbridled tounge, in these base and false charges hee had charged him withall, by a letter, and otherwise.

Josiah Cook complained against Thõ Roberts, in an action of defamacion, to the damage of forty pound. The jury found for the plaintife 20^s damage, and the charg of the suite.

Wheras M^r John Varssell, at the Generall Court holden at New Plym, the 8th of June, 1651, comēced suite against Edward Jenkins, in an action of defamacion, to the damage of twenty pound, and the jury then found for the plaintife, assessing five pound damage, and the charge of the suite, — the Court haue graunted vnto the said Edward Jenkins a review of the said action, to bee tryed at this Court. This review with drawne, and the former action to stand as it was.

Wheras M^r Wiltam Alford, of Boston, at the Generall Court holden at New Plym the 4th of March, 1650, comēced suite against Captaine Nathaniell Thomas, in an action of the case, to the damage of seauen pound, and the jury then found for the plaintife five shillings damage, and the bill and the charges of the suite, —

Att the desire of the said Captaine Thomas, the Court did graunt vnto him a review of the said action, to bee tryed at this Court.

Accordingly this was tryed, and the jury found for the defendant the bill of five pound, the charges of the review, and fifty shillings damage.

Judgment was forthwith graunted vnto M^r Alford, defendant, according to the verdict.

1651.

7 October.
PART I.

Mr John Holmes complained against Joseph Warren, in an action of battery, to the damage of five pound. The jury found for the plaintife the cost of the suit, and damage ten groates.

[*44.]

*Mr John Holmes complained against Edward Doty, in an action of trespass and asault, to the damage of ten pound. The jury found for the plaintife cost of the suit, and damage one shilling. Judgment was graunted vnto Mr Holmes on the two tryals aforsaid, according to the verdict.

Mr Joseph Tilden complaineth against Mořis Truant, in an action of trespas vpon the case, to the damage of five pounds, for molesting of him in mowing of grase, neare about the iland called Hatches Iland. The jury found for the defendant the cost of the suite.

The Juryes Names.

sworne.	{	Mr Anthony Thacher,	{	sworne.	+Mr Thō Gilbert,
		Mr Thō Dexter, Senior,			Leiuetenant Nash,
		Gyles Rickard, Senī,			Wiltam Paybody,
		Richard Bourne,			Henery Howland,
		Robert Feney,			Henery Sampson,
		Thō Burgis,			Nathaniell Bacon.

Edward Jenkins, being deposed, in open Court saith, that Mr Joseph Tilden hiered him to mow grase for him at the mersh before the iland, called Hatches Iland, and that hee had not been long there, but Mořis Truant came to him and did forbid him to mow there; and afterwards came with a pich-forke, and bad him leaue, of which if hee did not, hee would break his sythe.

Mr Richard Garret, being deposed, in open Court saith, that coming to the mersh wheř Edward Jenkins was mowing for Mr Joseph Tilden, Mořis Truant came to him and forbid him to mow there, and said if hee did not giue ouer, hee would break his sythe.

A Note of what is due vnto Mr Holmes, the Marshall, from Duxbuřow, of his Wages there.

	s d
Iř, from Joseph Rogers, w ^t hee should haue payed, ...	07 : 00
Iř, for freight of a pcell of corn hee had of Francis Sprague, ...	02 : 00
Iř, 3 pecks wanting in the measure, ...	02 : 03
	011 : 03

**At the Generall Court holden at New Plym the 2^{cond} of March, 1651.* 1651-2.

BEFORE William Bradford, gent, Goſ, John Browne,
 Wiltam Collyare, John Alden, and
 Captaine Miles Standish, Captaine Thō Willet,
 Timothy Hatherley,
 Gentlē, Assistants.

2 March.
 PART I.
 [*45.]

STEUEN BRYANT, and Abigaill, his wife, complaineth against John Haward, Edward Hall, and Susanna Haward, of Duxburrow, in an action of slaunder and defamacion, to the dammage of fue hundred pounds.

The jury find for the plaintife fue pound damage, and the chargs of the Court, equally & joyntly to bee paid by the defendants.

Judgment was graunted, according to the verdict.

Charges allowed : It, to the cunstable of Duxburow, for serving of two	. a
attachments on the bodyes of Edward Hall and John Haward,	. 5 : 0
It, for a warrant for Mercy Tubbs,	 0 : 6
It, to Dammeris Cooke, as a wittnesse,	 3 : 0
It, to Elizabeth Hopkins, as a wittnesse,	 1 : 6
It, to the jury,	 6 : 6
It, to Thō Lettice,	 0 : 6
It, to the clark,	 3 : 6
	1 ^t : 0 : 6

Thomas Lucas complaineth against Richard Hawes, in an action of the case, to the damage of three pound twelue shillings.

The jury find for the plaintife, and giue him his bill, and charges of the Court.

Judgment & execucion graunted, according to the verdict.

M^r John Crow complaineth against John Wing, in an action of the case, to the damage of fourty pounds.

The jury find for the plaintife and his pteners eighteen pound damage, the same road that came on shore, and the cask, and the charges of the Court, all which to bee paid by John Wing, and his pteners equally, according to their equall proporsions.

Judgment was graunted on this allsoe, according to the verdict.

The charges allowed were for two wittnesse, 25^s, besides what was due to y^e jury & clark, &c.

1651-2. *John Willis, of Duxburow, complaineth in the behalfe of his daughter
2 March. in law, Rebeckah Palmer, against Trustrum Hull and his wife, in an action
PART I. of assault and battery, to the damage of fifty pound.
[*46.] The defendants appeered not ; see the triall went not on.

The Juryes Names.

sworne.	{	Mr John Winslow,	{	Robert Finney,
		James Hurst,		Ephraim Morton,
		Joshua Pratt,		Wiltam Paybody,
		Leiutenant Southworth,		Richard Wright,
		Gyles Rickard,		Henery Sampson,
		John Morton,		Andrew Ringe.

1652. *Att the Generall Court holden at New Plymouth the 4th of June,
4 June. 1652.
[*47.]

BEFORE Wiltam Bradford, gen ^t , Go ^d ,	Timothy Hatherly,
Thomas Prence,	John Browne, and
Miles Standish,	John Alden,
Gen ^t , Assistants.	

M^R JOHN BROWNE complained against M^r Samuell Newman, in an action of defama^on, to the dammage of fue hundred pounds. The jury find for the plaintife, and assessed an hundred pound dammage, and the charges of the Court.

The summe of an hundred pound dammage, awarded by the jury vnto M^r Browne, from M^r Newman, vpon his complaint abouewritten, is freely remⁱted by M^r Browne to M^r Newman ; onely M^r Newman is to pay the charges of the Court, which comes to

I ^t , to John Allen, of Rehoboth, for his journey from home, and at-	
tendance att the Court, about this suite, ...	12 : 00
I ^t , to the jury, ...	06 : 06
I ^t , to the clark, ...	04 : 00
I ^t , to the marshall, ...	00 : 06

Robert Bartlet, Thomas Clarke, Richard Church, Nathaniell Warren, and Joseph Warren complaineth against the three townes of Yarmouth, Barnstable, and Sandwidge, in an action of the case, to the dammage of fifty pounds, for non pformance of a Court order, wherin the said townes were enjoyned to build a bridge ouer the Eel Riuer.

The jury find for the plaintifes, and assessed twenty pound dammage, and the charges of the Court, and the bridge now ouer the Eel Riuer to the countries vse. Judgment was graunted to the plaintifes, according to the verdict.

Timothy Halloway complaineth against M^r Francis Street, in an action of the case, to the dammage of twelue pounds.

Att the earnest request of Thomas Gilbert, Jun^r, who is conserved in the busines, the Court haue ordered, that the jury giue in no verdict on the suite, the pties haueing mutually refered the determinacōn therof vnto the maistrates, who haue ordered, that the said Timothy Halloway bee forthwith possessed of his land, bought by him of M^r Francis Street, and to enjoy it without molestacōn, and that the remaynder of the pay due for the said land bee paid as soone as corn is marchantable, the charges of the Court being deducted out of it, and soe all differences about this land are heer to sease and end; and hee is to haue all the writings concerning the said land deliuered *deliuered* to him, either from M^r Francis Street or M^r Thomas Gilbert.

The Court allowed vnto Richard Stacy, a witnes in this suite, . . 1^s 6

*M^r Joseph Tilden complained against Walter Hatch and Wilłam Hatch, Junier, executors of Wilłam Hatch, deceased, in a mixed action of the case, to the dammage of fifty pounds, for the want of certaine meddow grounds, which Wilłam Hatch, in his life time, did sell or exchang vnto the said Joseph Tilden.

[*48.]

Wilłam Hatch, Junier, one of the executors of Wilłam Hatch, deceased, complaineth against M^r Joseph Tilden, in an action of the case, to the damage of fifty pounds, for refusing to make good couenants or sale of lands sould by him to Wilłam Hatch, deceased.

M^r Joseph Tilden, and Walter Hatch, and Wilłam Hatch, Junier, are cōm to an agreement in these aboue mencioned actions, videlecet, that the

1652.

4 June.
PART I.

1652.

4 June.

PART I.

This fifteen pound is since fully paid to Mr Joseph Tilden, with all receipts of the severall payments acknowledged by him, and heer ordered to bee recorded.

said Walter Hatch and Willam Hatch are to make paiment vnto the said Joseph Tilden, the full summe of fiteene pounds, seauen pounds and ten shillings wherof is to bee payed by the last of October next after the date heerof, and the remaining seauen pounds and ten shillings, the same day twelue month after, in corn or cattle, att the house of the said Joseph Tilden ; and soe all differences are ended betwixte the aforesaid pties, in refference to the actions aboue entered, or any pticulars els about lands, each one bearing theire owne charges about these suites.

The Juryes Names that went on the two first Trialls : —

sworne.	{	Thomas Byrd,	{	sworne.	{	Henery Howland,
		Richard Sparrow,				John Burne,
		Leiftenant Nash,				John Whetcome,
		Willam Paybody,				Anthony Snow,
		Experience Michell,				Edmond Weston,
		Phillip Delanoy,				Allexander Standish.

A review was graunted by the Court to the townes of Yarmouth, Barnstable, and Sandwidge, on the suite comēced against them by the inhabitants of the Eel Riuer, to bee tried the next Court.

6 October.

**Att the Generall Court holden at Plymouth the fift of October, 1652.*

[*49.]

BEFORE Willam Bradford, gent, Goſſ, Timothy Hatherley,
Miles Standish, and
Gent, Assistants.

SAMUELL HOUSE complaineth against John Whiston, in an action of defamaçōn, to the dammage of an hundred pounds. The jury find for the plaintife, and assessed twenty shillī dammage, and the charges of the Court.

Judgment was graunted to the plaintife, according to the verdict.

The charges were, Iť, for a warrant, ...	00 : 06
Iť, for serving the warrant, ...	00 : 06
Iť, for two wittnesses three daies, ...	09 : 00
Iť, for a supena, ...	00 : 06
Iť, to the clarke, ...	03 : 00
Iť, to the jury, ...	06 : 06

John Whiston complaineth against Samuell House, in an action of trespass on the case, to the damage of eight pounds, for not paying the said John Whiston the summe of six pounds.

1652.

5 October.
PART I.

The jury find for the plaintife, and assesse twenty shillings damage, and the charge of the Court.

Judgment was graunted to the plaintife, accordinge to the verdicte.

The charges were, Iť, to the jury, ...	06 : 06
Iť, to the clarke, ...	02 : 00
Iť, to the marshall, ...	00 : 06

John Green complaineth against Mr Thomas Dexter, Junier, in an action of trespass on the case, to the dammage of five pounds, for non paiment of ten bushells of wheat, and three bushels of peases.

The jury find for the plaintife the debt, and assesse ten shillings damage, and the charge of the Court.

Judgment was graunted to the plaintife, according to the verdicte.

The charges were, Iť, for two wittnesses, ...	03 : 00
Iť, to the jury, ...	06 : 06
Iť, to the clarke, ...	02 : 06
Iť, to the marshall, ...	00 : 06

Willam Hatch, of Marshfeild, complaineth against John Hoare, in an action of trespass on the case, to the dammage of ten pounds, for sowing, reaping, and carrying away of wheat of from the land that Willam Hatch hiered of Robert Hammon.

The jury find for the plaintife, and assesse seauen pound dammage, and the charge of the Court.

The charges were, —

Iť, wittnesses, ...	02 : 00
Iť, the jury, ...	06 : 06
Iť, the clarke, ...	02 : 00
Iť, the marshall, ...	00 : 06
Iť, for serueing the warrant, ...	00 : 06
Iť, Edward Tart, attending 4 daies, ...	06 : 00

A review was graunted vnto John Hoare, to be prosecuted the next Court, or then judgment and execution wilbee graunted, according to the verdicte.

1652.

5 October.

PART I.

[*50.]

*Samuell House complaineth against John Whiston, in an action of the case, to the dammag^e of twenty pounds.

Samuell House complaineth against John Whiston, in an action of the case, to the dammage fifteen pound, for not p^rforming couⁿants, in not paying for the one halfe of the boate, that the said Samuell did build between them.

The latter of these aboue mencioned actions was heard, but the p^rties agreed before verdict was p^ased, and soe it was ended, the plaintife to pay the charges thereof to jury, clarke, marshall, &c.

And nine shillings was allowed by the Court vnto the defendant, for charges o^cationed him by these aboue mencioned actions.

John Hoare complaineth against Thomas Ensigne, in an action of the case, to the dammage of fifty pounds, for not giueing the said John Hoare due possession of a p^lcell of land bought of the said Thomas Ensigne, as doth appeer by couenants.

This mistake was rectified in open Court with the consent of som^e of the jury.

The jury find for the defendant, ‡and assesse thirty shillings dammage, and ‡ the charges of the Court.

Judgment was graunted to the defendant, according to the verdict^e, and two shillings and six pence was allowed to attorney for the defendant, which was expended in the defence of the case.

The juryes names that tryed these actions were, —

sworne.	$\left\{ \begin{array}{l} \text{Mr John Winslow,} \\ \text{Manasses Kemton,} \\ \text{Leiftenant Southworth,} \\ \text{Gyles Rickard,} \\ \text{John Morton,} \\ \text{Wiltam Merricke,} \end{array} \right\}$	sworne.	$\left\{ \begin{array}{l} \text{Samuell Hickes,} \\ \text{Gorg Partrich,} \\ \text{Edward Tilson,} \\ \text{Henery Sampson,} \\ \text{Joshua Pratt,} \\ \text{John Wood.} \end{array} \right\}$
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**Att a Generall Court holden at Plymouth the first of March,* 1652-3.
1652.

1 March.
PART I.
[*51.]

BEFORE Willam Bradford, gen^t, Go^v, John Browne,
Thomas Prence, John Alden, and
Miles Standish, Thomas Willett,
Timothy Hatherley,
Gen^t, A^sstants.

M^R JOHN BOWER complained against M^{rs} Joane Barnes, in an action of slaunder and defama^con, to the dammage of an hundred pounds.

The jury find for the plaintife, and assesse fue pound dammage, and the cost of the suite.

John Barnes complaineth against M^r John Bower, in an action of trespas on the case, to the dammage of an hundred and ten pounds.

The jury find for the defendant the charges of the Court.

Edward Sturgis complaineth against Robert Eldred, in an action of defama^con, to the dammage of ten pounds. The jury find for the plaintife a peney dammage, and the charge of the Court.

M^r Joseph Tilden complaineth against Richard Curtes, in an action of the case, to the dammage of three pound, for not fencing his p^lcell of mersh, and mending it between the said Joseph Tilden and him.

The jury find for the plaintife dammag^e six shillings, and cost of the suite. Judgment graunted to the plaintife, according to the verdict.

The charges were for one wittnesse attending 4 daies, 6^s.

John Williams, Junier, complaineth against John Hoare, in an action of trespas on the case, to the dammage of fue pound, for cutting and carrying away grasse of the said John Willams mersh.

The jury find for the plaintife, dammage forty shillings, and the cost of the suite.

Judgment was graunted to the plaintife, according to the verdict.

The charges for 2 daies attendance of wittnesses, ... 03^s

Beside to the jury, and clark, &c, which comes to ^

I^l, for 2 witnesses attendance, 2 daies apeece, ... 06 : 00

I^l, for 3 suppenaes, eighteen pence, ... 01 : 06

1652-3.

1 March.
PART I.
[*52.]

*Whereas, att the Generall Court holden at Plymouth, the fift of October, 1652, Willam Hatch, of Marshfeild, comēced suite against John Hoare, in an action of trespas on the case, to the damage of ten pound, for sowing, reaping, and carriing away of wheat of from the land that William Hatch hiered of Robert Hammon, the jury then finding for the plaintife, and assessing seauen pound damage, and the charge of the Court, the said Court haue graunted a review of the said action to the said John Hoare to bee tryed att this Court; and accordingly it was tryed; and the jury found for the defendant nine pounds damage, and the cost of the suite.

The names of the jury that tryed the five actions on the other side this leafe:—

sworne.	{	Mr Anthony Thacher, Mr Johne Done, John Dunham, Senier, Leift Southworth, Joshua Pratt, Thomas Hinckley,	}	sworne.	{	Robert Dennis, John Morton, Ephraim Morton, Willam Paybodi, Samuell Hickes, Andrew Ringe.
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A further review is graunted vnto John Hoare, to bee tryed the next Generall Court to be holden att Plymouth the first Tusday in October next.

The Names of the Jury that reviewed the Action aboue written.

sworne.	{	Mr Anthony Thacher, Mr John Done, John Dunham, Senier, Robert Dennis, Ephraim Morton, Willam Paybody,	}	sworne.	{	Andrew Ringe, Barnard Lumbert, Thomas Burgis, John Burne, John Chipman, Robert Shelley.
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1653.

9 June.
[*53.]

*Att the Generall Courte holden att Plymouth the 9th of June, 1653.

BEFORE Willam Bradford, gen ^l , Go ^v , Thomas Prence, Miles Standish, Timothy Hatherley,	John Browne, John Alden, and Thomas Willett,
Gentlemen, Assistants, &c.	

THOMAS HIELAND, Senier, and Thomas Hieland, Junier, doe com-
plaine against M^r Charles Chauncye and M^r Anthony Eames, of
Marshfeild, and John Saffin, and Samuëll Jacson, in a joynt action of the
case, to the dammaḡ of two hundred pounds, for subscribing a certaine
writing and publishing the same, declaring it to bee the agreement between
Samuëll Jacson and Thomas Hieland, Senier, wherby the said Hielands are
both damnified, and the said Thomas Hieland, Junier, his life is endangered.

The jury find for the defendants. The charges ordered by the Court
came to 14^s 00, the clarkes, marshalls, and juryes enclued.

Thomas Tobye complaineth against M^r John Fish, in an action of tres-
pase on the case, to the dammage of fifty shillings, for retaineing a yearling
calfe belonging to the said Thomas Tobye.

The jury find for the defendant.

The charges allowed by the Court came in all to 01 : 07 : 00
The clarks, and marshals, & juryes charges enclued.

M^r Charles Chauncye complaineth against Wiltam Bastow, in an action
of slaunder, to the dammage of a thousand pounds.

The jury find for the plaintife, and assesse an hundred pound dammage,
and the cost of the suite, which, according to the order of the Court, came
to 00 : 18 : 06, the clarkes, and marshalls, and juryes included.

M^r Chauncy hath remited the hundred pound to Wiltam Bastow, re-
teining onely the charges.

Samuëll Jacson complaineth against Thomas Hieland, Senier, in an ac-
tion of the case, to the dammage of five pounds, for refusing to pforme an
agreement made by him, the said Thomas Hieland, with the said Samuëll
Jacson, Senī.

The jury find for the defendant. The charges came to, —

Iṭ, to the jurye, ...	06 : 06
Iṭ, the clarke, ...	02 : 00
Iṭ, to the marshall, ...	00 : 06
Iṭ, 3 wittnesses, 4 daies a peece, ...	18 : 00

The Juryes Names.

sworne.	{	M ^r Thomas Allen,	{	sworne.	Gorḡ Partridḡ,
		M ^r Josias Winslow, Senī,			Robert Caruer,
		M ^r Josias Winslow, Junī,			Ephraim Morton,
		Thomas Clarke,			Andrew Ringe,
		Phillip Delano,			John Russell,
		Josias Cooke,			James Browne.

1653.

4 October.

PART I.

[*55.]

**Att the Generall Court holden att New Plymouth the 4th of
October, 1653.*

BEFORE Wiltam Bradford, gen^t, Go^d, Timothy Hatherley,
Thomas Prence, John Alden, and
Miles Standish, Thomas Willett,
Gentlemen, A^sistants in gouernment, &c.

WHERAS, att the Generall Court held att Plymouth aforesaid, the fift
of October, 1652, Wiltam Hatch, of Marshfeild, comēced suit
against John Hoare, in an action of trespas on the case, to the dammage of
ten pounds, for sowing, reaping, and carying away wheat of the land that
the said Hatch hiered of Robert Hammond, the jury then finding for the
plaintife, and assessing seauen pound dammage, and the charge of the Court,
a review being formerly graunted vnto the said John Hoare of the said action,
to bee tryed this Court; and according it was tryed, and the jury found for
the said Wiltam Hatch twelue pounds, and the dammage of the Court.

The charge of the Court as it respects Wiltam Hatch, about the aboue
said suite, comes to, —

Videle ^c t, for the wittnesses, the clarke, the jury, and the	
marshall, the su ^m e of	17 : 06
To the clarke for making an execution, ...	02 : 06
To the clarke for a suppena, ...	00 : 06
To Edward Tart, a witten ^s e, ...	01 : 00

Judgment was graunted to Wiltam Hatch against John Hoare, accord-
ing to the abouesaid verdict.

Elizabeth Tart complaineth against John Bucke, in an action of trespase
on the case, to the dammage of forty shillings, for cutting grasse on an
allotment of mersh of the said Elizabeth Tarts.

This action next abouesaid, with all other of like dependance, were
ordered by the Court to rest vntell the next Generall Court.

The charges (in reference to the pouerty of the plaintife) were giuen
vnto her by the jury, &c.

Ephraim Kemton complaineth against John Whetcome, in an action of
the case, to the dammage of thirty shillings, for non paiement of money, as
appeers vpon bill.

The jury find for the plaintife the bill and the charges of the Court.

Which comes to, —

	s	d
It, to the jury, ...	06	06
It, to the clarke, ...	02	00
It, to the marshall, ...	00	06
It, to the cunstable, for giueing the summons, ...	00	06

1653.

4 October.
PART I.

Robert Eldred complaineth against Edward Sturgis, in an action of the case, to the dammage of fine pounds, for vnjust molestacōn. The defendant appeered not, but sent a writing, desiring the action might bee refered, that soe further euedence might bee p̄sented to the Court then att present could bee for the clearing of the case ; notwithstanding, wheras it did appeer vnto the Court that the defendant was lawfully summoned, the Court awarded to the plaintife charges for himselfe, the witnesses, clarke, marshall, and soe forth.

The charges came to, in the whole, ... 01 : 05 : 00

The Juryes Names that heard and tryed the abouesaid Actions.

sworne.	{	John Cooke, Junier,	}	sworne.	{	Thomas Clarke, the review
		Christopher Waddsworth,				Richard Wright, [excepted,
		M ^r John Starr,				Wiltam Hoskins,
		Robert Bartlet,				John Willis,
		Edward Tilson,				John Rogers,
		Thomas Whitney,				Steuens Bryant, [view.
						Ephraim Morton in the re-

*Att a Court of Āsistants held at New Plymouth the sixt of
December, 1653.

6 December.
[*56.]

BEFORE Wiltam Bradford, gentleman, Goũ, M^r John Alden, and
Cap^t Standish, Cap^t Willett,
Āsistants, &c.

M^{IS} ANN ATWOOD complayned against Samuell Sturtivant and Edward Gray, in an action of trespass on the case, to the dammage of an hundred twenty and one pounds & ten shillĩ, for non p̄formance of coue-

1653. nants concerning a farme the said M^{is} Atwood did set and lett vnto the said Samuells & Edward.

6 December.
PART I.

The jury brought in noe verdict, wanting of clearer evidence ; whervpon the pties agreed to put the case to reference, and the arbitration of foure men, and entered into bonds of an hundred pounds a peece to stand to their award in the p^mises.

The Juryes Names.

sworne.	{	John Dunham, Sen ^r , John Cooke, Robert Finney, John Morton, Thomas Whitney, Andrew Ringe,	}	sworne.	{	Joshua Pratt, Richard Wright, Samuell Hickes, Willam Hoskins, Jacob Cooke, Henery Attkins.	}
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1653-4. *Att the Court holden att New Plymouth the 7th of March, 1653.

7 March.
[*57.]

BEFOR Willam Bradford, gentleman, Go ^{vt} , Thomas Prence, Miles Standish, Timothy Hatherley,	John Browne, John Alden, and Thomas Willett,
Gentlemen, A ^s istants, &c.	

JAMES HURST, Gorge Bonum, Gyles Rickard, Junier, and Bennajah Pratt, complained against Samuells Sturtivant and Edward Gray, in an action of trespase on the case, to the dammage of ten pounds, for destroying a certain p^{ce}ll of hay belonging to the said James Hurst, Gorge Bonum, Gyles Rickard, and Bennajah Pratt.

The jury find for the plaintifes, and giue them one pound and ten shillings, and the charges of the Court.

Which comes to, in the whole, ^

Judgment was graunted, according to the verdict.

Edward Holman complained against John Jourdain, in an action of trespas on the case, to the dammage of twenty pounds, for making sale of a p^{ce}ll of land belonging to the said Edward Holman. The jury find for the defendant the charges of the Court.

Thomas Clarke complaineth against Ralph Smith, in an action of the case, to the damage of twenty pound. 1653-4.

7 March.
PART I.

The jury find for the plaintife five pound seauenteen shillings and ten pence, and the charges of the Court.

Richard Sparrow complaineth against Nathaniell Mayo, in an action of defamaçõn, to the dammag of forty pounds.

The jury find for the plaintife, and giue him for damage ten pounds, and the charge of the Court.

Judgment graunted.

John Barnes complaineth against James Cole, Sen^r, in an action of the case, to the damage of fifty shi^t, for receiuing of eleuen barrells of oyle in his behalfe, and deliuering but ten vnto him.

The jury find for the defendant, and giue him the charges of the Court.

*Mr Joseph Tilden complaineth against John Ramsden, in an action of the case, to the damage of seauen pounds, for non paiement of a debt of five pounds, as doth appeer vnder his hand. [*58.]

The jury find for the plaintife, vpon the bill of five pound eight shillings vnsaisfyed, and the charge of the Court.

Judgment graunted, according to the verdict.

Mr Joseph Tilden complaineth against John Ramsden and Jonas Holsworth, in an action of the case, to the damage of ten pounds, for non paiement of moneys upon account, due from the said pties vnto the said Mr Tilden.

The jury find for the plaintife four pound and 1^s debt, wherof four bushells of barley, paid att sixteen shillings, and the charges of the Court, which comes to, in the whole, 12^s 6^d.

Judgment graunted, according to the verdict.

Thomas Chambers complaineth against John Hoar, in an action of the case, to the damage of five pound, for detaining of rent due vnto the said Thomas Chambers, for marsh land the said John rented of the said Thomas Chambers.

The jury find for the plaintife, and giue him two pound and ten shillings, and the charges of the Court, besides the 13^s receiued.

Eighteen pence allowed to Mr Tilden, as a witness att this suite.

Judgment graunted, according to the verdict.

1653-4.

7 March.
PART I.

Mr Joseph Tilden, Samuell House, William Holmes, John Whetstone, and James Doughty doe complaine of debts due and vnpaid to each of them, from Henery Sergiant, Arther Hart, and Abraham Townsend, and haue by order attached the goods of the said pties, and did desire justice in the pmisses. The jury found as followeth, videleçt: vpon the demaund of a debt, by Mr Joseph Tilden, of ten shillings, they found it due to him from them.

	s d
And alsoe vnto Wilam Holmes, ...	00 : 12 : 00
Vnto John Whetstone, ...	00 : 08 : 00
Vnto Samuell House, ...	02 : 00 : 00
Vnto James Doughty, ...	03 : 10 : 06

The Juries Names.

sworne.	Christopher Waddsworth,	} sworne.	Henery Sampson,
	Wilam Paybody,		Wilam Hoskins,
	Robert Bartlett,		Gorge Partrich,
	Phillip Delanoy,		Henery Wood,
	Mr John Starr,		Steuens Bryant,
	Ephraim Morton,		Andrew Ringe.

1654.

8 June.
[*59.]

**At the Generall Court holden att Plymouth, in the Jurisdiction of New Plymouth, the 8th Day of June, 1654.*

BEFORE Wilam Bradford, gent, Goſ, John Browne, and
Timothy Hatherley, John Alden,
Gentlemen, Aſiſtants, &c.

M^R KENELME WINSLOW, Seni^r, and Mr Josias Winslow, Juni^r, complained against John Soule, in a joynt action of defamaçõn, to the damage of two hundred pounds.

The jury find for the plaintifes, and assesse ten pounds, and the charges of the suite.

Judgment was graunted, according to the verdict.

The Names of the Jury.

sworne.	Mr Anthony Thacher,	} sworne.	Abraham Sampson,
	Thomas Bird,		John Smaly,
	Barnard Lumbert,		John Morton,
	Gorge Watson,		John Finney,
	Wilam Crocker,		Anthony Snow,
	Humphry Johnson,		Robert Shelly.

June the 8th, 1654. Know all men by these p^sents, that I, Gowin White, of Scittvate, planter, doe acknowldge that I have freely and absolutely bargāned and sold vnto M^r Joseph Tilden all that my house and land lying att the North Riuer, in the liberties of Scituate aforsaid, with all and singulare the appurtenances thervnto belonging, videlecett, the mersh and vpland which the said Gowin White bought of Wil^m Richards, so^mtimes inhabitant of Scittvate aforsaid: to haue and to hold the said house and land, both vpland and mersh, with all and singulare the appurtenances therevnto belonging, or vnto any p^{te} or p^{cell} therof, from mee, the said Gowin White, and my heires, to him, the said Joseph Tilden, and his heires and assignes, for euer; the said p^{cell} being by estimation 45 acres of vpland, and 30 acres of mersh, bee it more or lesse; for all which land, and theire seuerall appurtenances, I, the said Gowen White, doe acknowledg I haue received from the said Joseph Tilden full satisfaction.

1654.

8 June.

PART I.

The condition of the abouesaid bargaine and sale is such, that if the abouesaid Gowin White shall make full paiment of fifty and four bushels and three peckes of wheat, and thirty and 2 bushells of barly, by the one and twenty day of October next ensuing the date heerof, that then the aboue said bargaine shallbee of none effect, or otherwise to remayne in full force and vertue.

GOWIN WHITE, his  marke.

The aboue written morgage was discharged in open Court.

**Att the Generall Court holden att Plymouth the third Day of October.*

3 October.

[*60.]

BEFORE Wil^m Bradford, gen^t, Gof^t,
Thomas Prence,
Wil^m Collyare,
Myles Standish,

Timothy Hatherley,
John Browne, and
John Alden,

Gent^s, Assistants, &c.

GYLES HOPKINS complained against M^r Wil^m Leuerich, in an action of defama^con, to the dammage of fifty pound.

The jury find for the plaintife twenty pounds, and the charges of the Court, which comes to,—

1654.

3 October.
PART I.

	s	d
It, to the jury, ...	06	06
It, to the clarke, ...	3	00
It, to the marshall, ...	00	06
It, to the cunstable of Sandwich, ...	00	06

Judgment was graunted by the Court vnto the plaintife, according to the verdict.

John Barnes complained against Robert Barker, in an action of the case, to the dammage of fifteen pounds, for non paiement of a debt of thirteen pounds four shillings and eight pence.

This next aboue action was heard, but the pties agreed before the jury went out of the Court. Soe the charges were paid, and it was issued betwixt themselues.

The Juries Names.

sworne.	{ John Dunham, Seni ^r , Joseph Andrews, Christopher Wadsworth, Gabriell Fallowell, Thomas Whitney, John Willis, }	sworne.	{ John Finney, Robert Finney, Robert Bartlett, Thomas Lettice, Andrew Ringe, Edmond Tilson. }
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Robert Dennis, in the behalfe of Wiltam Chase, of Yarmouth, tendereth to make satisfaction for the debt demanded vpon bill by John Hoare, in the behalfe of Wiltam Francklen, of Boston. Vpon the ballencing of the account betwixt the said Francklen and the said Chase, the said Robert Dennis is willing to enter bond to answare what soeuer shallbee found due to the said Francklen from Wiltam Chase aforsaid.

1655.

5 June.
[*61.]

**Att the Generall Court holden att Plymouth the fift of June, 1655.*

BEFORE Wiltam Bradford, gentleman, Gof,	Timothy Hatherley,
Wiltam Collyare,	John Browne, and
Myles Standish,	John Alden,
Gen ^t , A ^s istants.	

ROBERT BARTLETT complaineth against Thomas Pope, in an action of trespass on the case, to the damage of thirty shillings, for killing of a sow with pigg, belonging to the said Robert Bartlett.

The jury find for the plaintife eighteen shillings damage, and the cost of the suite.

Humphry Johnson complaineth against M^r Joseph Tilden, in an action of defamaçõn, to the damage of an hundred pounds, for defaming him, the said Humphry Johnson, by a writing which the said Joseph Tilden cāsed to bee read publickly.

The jury find for the plaintife twenty nobles damage, and the cost of the suite.

The charges allowed by the Court, besides ordinary fees to a witnesse for foure dayes, six shillings in all, 15^s 06^d.

A review is graunted to M^r Joseph Tilden, of the action aboue said, soe as it bee before the ordinary time of the graunting of executions, and incase hee shall not, then judgment and execution shallbee graunted to the plaintife.

Thomas Clarke, of Plymouth, haueing been p̄sented to the Court holden att Plymouth, the sixt of March, 1654, for extortion, hee put this p̄sentment vpon trauerse, and the jury found him not guilty of this p̄sentment.

The Names of the Jury.

{ M ^r Josias Winslow, Sen ^r , Joshua Pratt, Gorge Lewis, Anthony Snow, Leiff Perigrine White, Robert Vixon,	} sworne.	{ Abraham Sampson, John Morton, . John Finney, John Smith, Robert Finney, Leiftenant John Ellis.

**Att the Generall Court holden att Plymouth the 4th of October,* 4 October.
 1655. [*63.]

BEFORE Wilkam Bradford, Goũ,
 Thomas Prence,
 Timothy Hatherley,
 Āsistants.

John Browne, and
 John Alden,

1655.

4 October.
PART I.

JOHAN HOARE, Isacke Buck, and Humphry Johnson, complained against
Mr Richard Garrett, in an action of the case, to the dammage of fifteen
pound.

The jury found for the defendant the chargē of the suite, which came to, —

	s	d
It, 2 witnesses, three daies, ...	09	00
It, for the defendant, 4 daies, ...	06	00
It, the jury, clarke, and marshall, ...	09	00

Judgment graunted to the defendant, according to the verdict.

James Burt complained against Thomas Brayman, in an action of
treaspass on the case, to the dammage of fifty pound, for molesting and hinder-
ing him from inplying of an house and land bought of the said Brayman.

The jury find for the plaintife, and giue him his bargaine, and thirty
shillings dammage, and the cost of the suite, which comes to, —

	s	d
It, for witnesses, ...	13	06
It, for the jury, clarke, and marshall, ...	09	00

Judgment was graunted, according to the verdict.

John Palmer complained against Humphry Johnson, in an action of the
case, to the dammage of twenty pound, for killing and detaining swine that
were the said Palmers. The jury find for the plaintife thirty shillings dam-
mage, and the charge of the suite, which comes to, —

	s	d
It, 3 witnesses, 3 daies, ...	13	06
Wiltam Randall and his wife, ...	01	06
Richard Silvester, halfe a day, ...	00	09
The jury, clarke, & marshall, ...	09	00

Judgment was graunted, according to the verdict.

Mr John Floyd complained against Isacke Bucke, in an action of the
case, to the dammage of thirty shillings, for non paiment of a pcell of wheat
att Boston, according to promise.

The jury find for the plaintife, and giue him his debt, five
shillings dammage, and the charge of the suit, which came
to, — 11 : 00

It, to jury, clarke, and marshall, ...	09	00
--	----	----

Judgment was graunted, according to the verdict.

The Juryes Names that tryed the abouesaid four Actions.

sworne.	{	John Dunham, Seni ^r ,	}	sworne.	{	Richard Wright,
		M ^r John Starr,				Samuell Hickes,
		John Tisdall,				Ephraim Morton,
		Hennery Sampson,				Jacob Cooke,
		John Morton,				John Rogers,
		Wiltam Harlow,				Thomas Doged.

1655.

4 October.
PART I.

*Wheras, att the Generall Court held att Plymouth the fift of June, 1655, Humphry Johnson comēced suite against M^r Joseph Tilden, in an action of defamaçōn, to the dammage of an hundred pounds, for defaming him, the said Humphry Johnson, by a writing, which the said Joseph Tilden caused to bee read publickly, and the jury then found for the plaintife twenty nobles dammage, and the cost of the suite, a review was graunted vnto the said Joseph Tilden, of the said action, to bee tryed at this Court; and accordingly it was tryed, and jury find for the defendant, viz^s, Humphry Johnson, five pound, and the charges of this p^sent suite, and all former charges enclued in the said five pound.

[*64.]

Judgment was graunted vnto Humphry Johnson, according to the verdict.

Wheras, att the Generall Court holden att Plymouth the sixt of June, 1655, the grand enquest p^sented Susanna, the wife of Robert Latham, for being in a great measure guilty with her said husband in exercising crewelty towards theire late seruant, John Walker, in not affording him convenient food, rayment, and lodging, especially in her husbands absence, in forcing him to carry a logg beyond his strength, the said Susanna haueing put the said p^sentment vpon trauerse, to bee tryed this Court, the jury find this p^sentment a true p^sentment.

The Jury Names.

sworne.	{	John Dunham, Seni ^r ,	}	sworne.	{	Richard Wright,
		M ^r John Starr,				Samuell Hickes,
		John Tisdall,				John Rogers,
		Henery Sampson,				Thomas Doged,
		Wiltam Harlow,				John Winge,
		Jacob Cooke,				Edward Sturgis.

An oath appointed to bee recorded.

M^r Kanelme Winslow testifyeth vpon oath, that Joseph Bedle did testify vpon oath that hee came forth and tooke the logg of the boy, viz^s, John Walker.

1655-6. **Att the Generall Court held att Plymouth the fift of March, 1655.*

5 March.

PART I.

[*65.]

BEFORE Wiltam Bradford, Goſſ,

Thomas Prence,

Wiltam Collyare,

Aſiſtants, &c.

Timothy Hatherley,

John Alden, and

Thomas Willett,

M^R THOMAS ROBENSON complained against M^r Joseph Tilden, in an action of the case, to the damage of twenty pounds, for detaining one and twenty bushells of barley, sent in vnto him to turne into malt.

The jury find for the plaintife, and giue him twenty one bushels of barley, and the charge of the suite, which is as followeth : —

To jury, clarke, and the marshall, ...	^{li} 09 : ^s 00 ^d
Iť, for seruing the warrant, ...	00 : 06
Iť, for four witnesses, 4 daies apeece, ...	01 : 04 : 00
Iť, for sending for Gorge Vahan to Marshfeild, ...	00 : 04 : 06
Iť, for Gorg Vahan one day, ...	00 : 01 : 06
Judgment graunted.	01 : 19 : 06

Roger Glasse complained against Thomas Bonney, in an action of the case, to the damage of thirty shillings, for deneying to pay him for the carrying of soñ things for him into the bay.

The jury find for the plaintife, and giue him sixteen shillings, besides the bushell and halfe of ayles receiued, and the charges of the suite, which comes to, —

Iť, for the jury, clarke, and marshall, 9^s.

Iť, for serueing the warrant, six pence.

Iť, for one witnesse, two dayes, three shillings.

00 : 12 : 06

Judgment graunted.

John Barnes complained against Nicholas Davis, in an action of the case, to the damage of nine pounds, for non paiment of a debt due from the said Nicholas Davis vnto the said John Barnes.

The jury find for the plaintife, and giue him his debt of seuen pound thirteen shillings and seauen pence, which appeers by his bill, and the charges of the suite, which comes to, Iť, the jury, clarke, & marshall, 9^s.

Besides six pence for the serueing the warrant. Judgment graunted.

Thomas Dexter, Juni^r, complained against Ralph Allin, Juni^r, in an action of the case, to the dammage of ten pound, for carting of wood belonging to the said Thō Dexter, ouer his mersh, and for mowing of his grasse, and for his cattle lying att his hay, and for not keeping vp his fence according to his couenant. The jury find for the plaintife, in regard of the defect of the fence, which Ralph Allin was to secure, twelue pence, and the charges of the suite, which come to, —

1655-6.

5 March.
PART I.

Iṯ, for 4 witnesses 3 dayes, ...	^s 18 : 00
Iṯ, for the serueing of the warrant, ...	^d 00 : 06
Iṯ to the jury, clarke, and marshall, ...	09 : 00
	01 : 07 : 06

Judgment graunted.

The Juryes Names.

sworne.	{ John Dunham, Seni ^r ,	sworne.	{ Samuell Hickes,
	{ Leiftenant Southworth,		{ Henery Wood,
	{ Gorḡ Watson,		{ Ephraim Morton,
	{ Wiltam Paybody,		{ Wiltam Hoskins,
	{ Henery Howland,		{ Gorḡ Partrick,
	{ Phillip Delanoy,		{ John Rogers.

*Att the Generall Court held att Plymouth the fift of March, 1655, [66.] John Bryant, of Scittuate, complained against Humphry Johnson, in an action of slaunder and defamaçōn, to the dammag^e of one hundred pounds, for reporting the said Bryant had falsified by contradicting himselfe, in his testimony in the case betwixt M^r Tilden and the said Johnson, and saying the said Bryant was a forsworne, lying knaue. The majestrates and others pswaded the said p̄ties to come to an agreement betwixt them selues about the p̄misses, which accordingly they did; and theire agreement, being in writing, was ordered by the Court to bee recorded, which is as followeth : —

Plymouth, the sixt of March, 1655. Whereas there is a suite depending betwixt vs, whose names are vnder written, that is to say, John Bryant, plaintife, and Humphry Johnson, defendant, vpon the desire and appointment of the majestrates, wee were desired to end the business our selues now; soe now it is that wee by this p̄sents doe heerby declare, that wee are willing, and haue agreed, and by these p̄sents doe agree, that the said action shalbee withdrawne, and that each man beare his owne charges, and that all testimonies that are or haue been made, or haue been produced concerning the same,

1655-6. to bee null and voyd in law against each other, puting heerby a finall end to the controversy abouesaid, soe as neuer to molest each other concerning the p̄mises ; and not onely concerning the p̄sent action, but alsoe wee are mutually agreed, and doe likewise by these p̄sents agree and put an end to all contro-versyes and causes of suites of law that are or might haue been between vs, from the beginning of the world to this p̄sent day, except diuers reconings and accounts, that are att this p̄sent between vs, and for the cōfirmation heerof, wee doe mutually desire that this our agreement may bee recorded.

5 March.
PART I.

Signed in the p̄sence of
James Cudworth,
Josias Winslow.

JOHN BRYANT,
HUMPHRY JOHNSON.

An Oath appointed to bee recorded.

Willam Maycomber, aged 45 yeares, or there abouts, being deposed, saith, that sometime the last summer, going at Gor̄g Vaughans, hee told him that hee could speake in the case between M^r Tilden and M^r Robenson, soe that hee could haue ended (as hee thought) the controuersye betwixt them long agoe ; and lately, being att his house, haueing descourse with M^r Robenson about this case, did acknowledge that hee gaue a writing to M^r Tilden about this diference, but now hee was sorry that he did soe.

The oath of Willam Maycomber taken in open Court, the fift of March, 1655.

[The original instrument signed by Bryant and Johnson, and witnessed by Cudworth and Winslow, is preserved in the original volume of records, being secured in this place by sutures.]

1656. *Att the Generall Court holden att Plymouth the fift of June, 1656.

5 June.
[*67.]

BEFORE Willam Bradford, Goſl,
Thō Prence,
Timothy Hatherley, and
Aſiſtants.

John Alden, and
James Cudworth,

JOHN BARNES complained against Thō Pope and Samuell Jenney, in an action of trespass on the case, to the dammage of twenty pounds, for vnjust mollestation in the possession of his land on the west side of the

Six Mile Brooke, betwixt Plymouth and Namaskett. The jury find for the
plaintife, 2^d damage, and the cost of the suite. The charge : — 1656.

5 June.
PART I.

Iť, to the jury, ...	6 : 6
Iť, to the clarke, ...	3 : 00
Iť, to the marshall, ...	0 : 06
Iť, to two wittnesses a day, ...	3 : 00
Iť, for serueing the warrant, ...	0 : 06

The Juryes Names.

sworne.	Mr Thō Dexter, Seni ^r ,	sworne.	Francis Baker,
	Christopher Wadsworth,		Mr John Starr,
	Mr Josias Winslow, Seni ^r ,		Robert Vixon,
	Thō Laythrope,		Phillip Delanoy,
	James Walker,		Wilłam Harlow,
	Thō Bird,		Stephen Winge.

Vpon a sight of a letter of attorney, showed in Court, wherby it appeared that Mr Edward Dillingham was authorised to answare a suite comēced against Jonathan Fish, by Stephen Winge, of Sandwidge, in an action of the case, to the dammage of twelue pound, the said Edward Dillingham came into the Court, and acknowledged a judgment of six pounds in the behalfe of the said Jonathan Fish, wherevpon the said Stephen Winge rested satisfied ; the attachment that was formerly layed vpon a mare belonging to the said Fish resting vpon the same for the space of two monthes. The judgment abouesaid to bee paid for the quallitie, as well as quantities, according to the tearmes of the bill the said Stephen Winge hath vnder the hand of the said Jonathan Fish.

And whereas it doth alsoe appeer that the said Edward Dillingham was authorized as an attorney, in the behalfe of the aboue said Jonathan Fish, to answare a complaint made by John Green, in an action of the case, to the dammage of 1^l 13^s, the said Edward Dillingham acknowledged a judgment of 1^l 13^s, whervpon Stephen Winge, as the attorney of the said John Green, rested satisfied.

1656. *1656. *Att the Generall Court held att New Plymouth the fift
Day of October.*

5 October.
PART I.
[*69.]

BEFORE Wiltam Bradford, Goũ, Timothy Hatherley,
Thõ Prence, John Alden, and
Wiltam Collyare, James Cudworth,
Aũsistants, &c.

CAPT MYLES STANDISH complained against Richard Sparrow, of Eastham, in the behalfe of Elizabeth Hopkins, in an action of the case, to the damage of twenty pounds, for not pforming the tearmes of an agreement made with the said Richard Sparrow concerning the said Elizabeth Hopkins.

Concerning this action next aboue entered, the pties are agreed, as appeers by a writing extant to that purpose.

John Tompson complained against James Naighbor, in an action of the case, to the damage of ten pounds, for not pforming of agreements about salt and caske, according to agreement, and for not making paiment of two barrells of oysters, according to agreement. The jury find for the plaintife the debt according to bargaine, and thirty shillings dammage, and the cost of the suite, which comes to, —

	^s	^d
Iť, to the clarke for the warrant, ...	00	06
Iť, for serueing the warrant, ...	00	06
Iť, to the jury, ...	06	06
Iť, to the clarke, ...	02	00
Iť, to the marshall, ...	00	06
	10	00

Judgment graunted.

Wiltam Barstow complaineth against John Palmer, Seniř, and John Palmer, Juniř, in an action of the case, to the dammage of ten pounds, for seting of trapps and caching of swine, wherby the said Barstow is damnified. The jury find for the defendant the cost of the suite. Judgment graunted.

Wiltam Barstow complained against John Palmer, Seniř, in an action of treaspas vpon the case, to the damage of ten pounds, for pulling downe the said Barstowes fence, and damnifying his apple trees, and for stroying his

corn, English and Indian, with his hoggs. The jury find for the plaintife the cost of the suite, and thirty shillings dammage. Judgment graunted.

1656.

5 October.
PART I.

The charges in totall of these two actions comēced by	ll	s	d
Wiltam Barstow comes to	01	03	00
Wherof allowed to three witnesses 3 daies, ...	00	14	00
And for serueing the warrant, ...	00	00	06

Joanna Kemton complained against Wiltam Randall, in an action of the case, to the dammage of five pounds, for not fulfilling of couenants made betwixt Ephraim Kemton, deceased, and the said Randall, concerning fence betwixt them. The jury find for the plaintiffe the cost of the suit, and twenty shillings dammage. Judgment graunted.

The charges was, to the clarke, ...	s	d
Iĥ, to the jury, ...	02	00
Iĥ, to the marshall, ...	06	06
Iĥ, to one witnesse 3 daies, ...	00	06
Iĥ, for serueing the warrant, ...	04	06
	00	06
	14	00

The Names of the Jury.

sworn.	{	John Dunham, Seni ^r ,	}	sworn.	{	Mr John Starr,
		Robert Finney,				Henery Howland,
		Thō Whitney,				Ephraim Tinkham,
		John Morton,				John Smith, Juni ^r ,
		Wiltam Paybody,				Gorge Partrich,
		John Rogers,				Samuell Sturtivant.

**Att the Generall Court holden att Plymouth the fift of March,*
1656.

1656-7.

5 March.
[*70.]

BEFORE	Wiltam Collyare,	John Alden, and
	Timothy Hatherley,	Thō Willett,
	Assistants, &c.	

Att this Court the Gō was sicke.

1656-7.

5 March.
PART I.

WILLIAM RANDALL, of Scituate, haueing obtained a graunt and libertie to prosecute a review of an action comēced against him att the Generall Court holden att Plymouth the fift of October, 1656, by Joanna Kemton, hee entered the review, and intended to haue goñ on therin, but the p̄ties came to an agreement in the tearmes and species following, viz^s : —

The p̄ties, Wilłam Randall and Joanna Kemton, haue agreed to stand to and make good the couenants agreed betwixt them, bearing date October 2^{cond}, 1656, and that the said Wilłam Randall is to pay the charge of the suite comēced by Joanna Kemton, att the Court held att Plymouth, October the fift, 1656, which is nine shilling and six pence, and ten shillings for John Briant his attendance att this p̄sent Court as attorney, in the behalfe of Joanna Kemton ; and these are to bee paied in shooes, or a calfe, as soone as conveniently may bee ; and the charge of recording the said agreement to bee borne equally betwixt them.

An Agreement ordered to bee recorded.

March the 16th, 1649. Articles of Agreement between Wilłam Randall and Ephraim Kemton.

Bee itt knowne to all men by these p̄sents, that I, Wilłam Randall, doe sell vnto Ephraim Kemton the sum of thirty rodd of posts and rayle, or thereabouts, standing vpon the vpland of the said Wilłam Randall, att ten pence a rodd, onely two shillings abated vpon the whole. This said fence I, Wilłam Randall, doe agree and graunt that itt shall stand vpon my land vntill such time as that itt bee rotten ; and when the said Ephraim remoueth it, hee shall sett it between vs, in the range, in or vpon his marsh. Likewise the said Wilłam Randall doe bind myselfe, heires, or assignes, not to turn any cattell into that said land that lyes now adjoyning to Ephraim Kemtons marsh. Likewise doe promise to maintaine soe much fence as hee hath now bought against his marsh, hee buying the one halfe, which is post and rayle. This I promise to maintaine it sufficiently for the securitie of his marsh. Likewise, further, the said Ephraim Kemton promiseth to maintaine the other half, for the securitie of his land sufficiently. Likewise the said Wilłam Randall and Ephraim Kemton doe couenant and promise to sett vp a sufficient fence betwixt them in the marsh from the riuer, and soe onward vnto the fence vpon the vpland, and likewise to maintaine it, the one the one halfe, and the other the other halfe, sufficiently.

October the 2^{cond}, 1656. And the said Wilłam Randall doth couenant and p̄mise to make vp his p̄te of the aboue said fence sufficiently between this and the first of May next, which will bee in the yeare of our Lord one

thousand six hundred fifty and seauen, and soe to maintaine it sufficiently ; 1656-7.
 and in case the said Wiltam Randall shall neglect to make vp his pte of the
 aforsaid fence, or any pte of *of* *itt, according to the time prefixed, then hee
 shall pay vnto the widdow Kemton two shillings and six pence p rodd for
 euery rodd that hee shalbee found defectiue in makeing and setting vp for
 euery weeke vntell hee haue finished the said fence.

5 March.
 PART I.

[*71.]

Att the Generall Court holden att Plymouth the 4th of June, 1657. 1657.

4 June.

BEFORE Thomas Prence, Goũ, James Cudworth,
 Wiltam Collyare, Josias Winslow, and
 Timothy Hatherley, Thomas Southworth,
 John Alden,

Asistants, &c.

THOMAS CLARKE complained against Thomas Huckens, in an action
 of the case, to the damage of three pounds, for appropriating of a
 barrell of oyle, belonging to the said Thomas Clarke, vnto the said Thõ Huck-
 ens his owne vse, as hee hath confessed.

The jury find for the plaintiffe fīue and forty shillinges damage, and
 the charge of the Court.

Judgment was graunted, according to the verdict.

Samuell House complaineth against Edward Jenkins, in an action of
 trespas on the case, to the damage of fīue pounds, for laying timber on the
 land of the said House without his leaue.

The jury find for the defendant the charges of the Court.

The Juryes Names.

sworne.	{	Leifř James Torrey,		{	John Russell,
		John Allin,			Jacob Cooke,
		John Tisdall,			Marke Snow,
		Wiltam Barstow,	sworne.		Wiltam Shertley,
		Richard Sparrow,			Wiltam Witherell,
		Robert Abell,			Timothy Hallowey.

1657. *Att the Generall holden att Plymouth the sixt of October,
1657.

6 October.

PART I.

[*73.]

BEFORE Thomas Prence, Goũ,
Willam Collyare,
Timothy Hatherley,
John Alden,
James Cudworth, and
Thomas Southworth,
Asistants, &c.

Richard Sparrow complained against Ralph Smith, in an action of the case, to the damage of forty shillings, for taking away a peece of timber from the end of his ground, being forbidden, and refusing to returne the same to the said Richard Sparrow.

The jury find for the plaintife, the peeç of timber to be returned to the plaintifes grounds end by the defendant, and the charges of the suite, which comes to 9:6
Judgment graunted, according to the verdict.

Gorge Russell complained against Abraham Suttcliffe, in an action of the case, to the damage of twenty pound, for non paiement of rent, and not fulfilling of conditions concerning the repairing of houses.

The jury find for the plaintife the twenty shillings rent vnpaid, and the cost of the suite, which comes to 9:6
Judgment graunted, according to the verdict.

Mr Comfort Starr complained against John Williams, Seni^r, in an action of the case, to the damage of forty pounds, and is for seuerall journeyes attendance, and phiscike, and surgery, care and skill in the applying of medcens externally, all which was doñ on the wife of the said John Williams att his request, his wife being greiuously afflicted with a desparate, dangerouse sore on her left thy, or hipp, which had been some years in breeding or growing, for which the said Comfort Starr hath required paiement, and hath not paiement made him. The jury find for the plaintife fourteen pounds, besides what hee hath receiued, and the cost of the suite. The charges came to ten shillings. Judgment graunted according to the verdict.

John Sutton complaineth against Nicolas Wade, in an action of the case, to the damage of fourteen pounds, for not satisfying the said Sutton, according to agreement, for the building of a frame.

The jury find for the plaintife seauen pound and ten shillings,
besides the 30 shillings receiued, and ten shillings damage, and the
charge of the suite, which comes to 9:6

1657.
6 October.
PART I.

Judgment graunted according to the verdict.

The Names of the Jury.

sworne.	{	Christopher Wadsworth,	}	sworne.	{	Anthony Snow,
		Wilam Paybody,				John Burne,
		Gorge Partrich,				Nathaniell Warren,
		Robert Finney,				Mr Alexander Standish,
		Thomas Whitney,				Benjamin Nye,
		John Dingley,				Wilam Shirtley.

**Att the Generall Court holden att Plymouth the 2^{cond} of March, 1657-8.*
1657.

2 March.
[*75.]

BEFOR: Thomas Prence, Goff,	Thomas Willett,
Wilam Collyare,	James Cudworth,
Timothy Hatherley,	Josias Winslow, and
John Alden,	Thomas Southworth,

Aſistants, &c.

LEIFTENANT JAMES WIATT complained against Richard Stacye, in an action of defamaçõn, the damage of fifty pounds. The jury find for the plaintiffe fue pounds damage, and the cost of the suite, and the said Richard Stacye to make a publicke acknowledgiment in the Court, and att Taunton, on a training day, att the head of the companie, of all the injuries done by him, the said Stacye, vnto Leiftenant Wiatt, in all the seuerall reports; and if he shall refuse soe to doe, then to pay to the said Leiftenant Wiatt the sõme of forty pounds, and the cost of the suit.

The charges allowed by the Court, in reference to the suit against Richard Stacye by Leiftenant Wiatt, is as followeth, viz: —

It, the said Leiff Wiatt and a horse a journey to Boston,	}	s d	10:00
to fech a warrant, ...			
It, for serueing a warrant, ...			00:06
It, six wittnesses 4 daies, ...			09:00
It, to the jury, clarke, and marshall, ...			09:00
			<u>01¹¹:08:06</u>

1657-8.

2 March.
PART I.

Leiftenant James Wiatt complained against Timothy Hallowey, in an action of defamaçõn, to the damage of fifty pounds.

The jury find for the plaintiffe six pound damage, and the cost of the suite, and to make a publicke acknowledgement in open Court, and att Taunton, on a training day, att the head of the companie, of all injuries done against the said Leiftenant Wiatt, in these seuerall reports, which if he shall refuse to doe, then hee is to pay vnto the said Leiftenant Wiatt the sume of forty five pounds, and the cost of the suite.

The charges allowed by the Court in reference vnto the suit against Timothy Hallowey, comenced by Leiftenant Wiatt, is, —

It, for a journey to Duxburrow, himselfe, his guide, and his horse, to Duxburow, from Taunton, ...	^s ^d 05 : 00
It, for serving the warrant, ...	00 : 06
It, 2 witnesses, 4 daies, ...	06 : 00
It, the jury, clarke, and marshall, ...	09 : 00
	01 ⁿ : 00 : 06

Leiftenant Wiatt complained against Sarah, the wife of Edward Rew, in an action of defamaçõn, to the damage of fifty pounds.

The jury find for the plaintiffe five shillings damage, and the cost of the suite.

The charges allowed by the Court to Leiff Wiatt, on the suite comenced by him against Sarah, the wife of Edward Rew, is, —

It, for himselfe, his guide, and horse, in a journey to Duxburow, ...	^s ^d 05 : 00
It, for serueing the warrant, ...	00 : 06
It, 2 wittnesses, 4 daies, ...	06 : 00
It, the jury, clarke, and marshall, ...	09 : 00

[*76.]

*Gorge Russell complained against Abraham Sutliffe, in an action of the case, to the damage of sixteen pounds, for non fulfilling of couenants made with Isaac Stedman, concerning repairing of housing. After the jury brought in their verdict on this suite, it was refered to the bench by mutuall agreement of both plaintiffe and defendant, viz, Mr Josias Winslow, Seni^r, the attorney for Gorge Russell, and by Abraham Sutliffe, and Humphrey Johnson, the attorney for the said Abraham Sutliffe. And the bench awarded the defendant to pay vnto the plaintiffe the sume of four pounds, and the charge of the suit; and soe all controuersies betwixt the said pties respecting this suite are fully ended.

Abraham Sutcliffe complained against Gorge Russell, of Marshfeild, in an action of the case, to the damage of ten pounds, for non pformance of an agreement made with him about a farme that the said Russell bought of Isacke Stedman. The jury found noe just cause for this suite comēced by Abraham Sutcliffe against Gorge Russell. 1657-8.

2 March.
PART I.

Humphrey Johnson complained against Captaine James Cudworth, Leiftenant James Torrey, and Ensigne John Williams, in an action of the case, to the damage of forty shillings, for laying of a fine on the said Johnson, for not training, after the said capt had refused to lett him traine. The jury conceiued this to belonge to the counsell of warr; and the Court ordered that all matters respecting this suit shall remaine as they were vntill the counsell of warr shall haue an oppertunitie to hear and determine the same.

The Juryes Names.

sworne.	{	Joseph Andrews, Thō Whitney, Gyles Rickard, Seni ^r , Samuell Hickes, Gorge Partrich, Jacob Cooke,	}	sworne.	{	John Morton, Samuell Sturtivant, John Rickard, Hugh Cole, Joseph Warren, Ephraim Tinkham.	}
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*Att the Generall Court holden att Plymouth the fift of June, 1658. 1658.

5 June.
[*77.]

BEFORE Thomas Prence, Goff, William Collyare, John Alden, Josias Winslow,	Thomas Southworth, William Bradford, and Thomas Hinckley,
--	---

Assistants, &c.

JOHN SUTTON complained against Gorge Vaughan, in an action of the case, to the damage of eight pounds, for detaining goods of the said Suttons, contrary to his mind, and after demaund.

The jury find for the plaintiffe the bull, or the vallue of the bull, and 2^s in money, and 2^d damage, and the cost of the suite.

1658.

5 June.
PART I.

The Charges of the Suite.

	s	d
To the cunstable of Scittuate, for suṁons, ...	03	06
To the cunstable of Marshfeild, for suṁons, ...	05	00
Iṭ, Wiltam Sherman, 3 daies, ...	04	06
Iṭ, for Daniell Turner, one day, :	01	06
Iṭ, Mr Hincksman, ...	01	00
Iṭ, the wife of James Doughty, one, ...	01	06
	01 ^u	01 : 06
Iṭ, to the jury, clarke, and marshall, ...	00	09 : 00
		01 : 10 : 06

Walter Briggs complained against Robert Sprought, in an action of the case, to the damage of twenty pounds, for not seruing of one yeare of his time, and for other debts & dues.

The jury find for the defendant the cost of the suite.

The Juryes Names.

sworne.	Mr Josias Winslow, Seni ^r ,	sworne.	Wiltam Curtis,
	Mr John Browne,		Abraham Blush,
	Mr James Browne,		John Dingley,
	Wiltam Merricke,		Thō Pincen,
	Elisha Besbey,		Samuell Hickes,
	John Hathewey,		Rodulphus Elmes.
	Wiltam Witherell,		

7 October.

1658. October the seauenth.

IT is ordered by the councell of warr, in reference to Mr Johnson, of Scituate, that his fines demaunded by the milletary companie, or clarke, bee remited, and the said Johnson shall for the future bear armes as a private souldier, except the companie shall, out of any respect to him, see cause to free him to any office.

**Att the Generall Court holden att Plymouth the first of March, 1658.* 1658-9.

BEFORE Thomas Prence, Goũr, Josias Winslow,
 Wiltam Collyare, Thomas Southworth,
 John Alden, Wiltam Bradford, and
 Thomas Willett, Thomas Hinckley,
 Assistants, &c.

1 March.
 PART I.
 [*78.]

JOHN HUDSON complained against Thomas Bird, in an action of the case, to the damage of ten pounds, for detaining of two bills after payment, wherby the said Hudson is damnified. Judgment graunted.

The jury find for the plaintife.

To haue his bills returned, and twenty shillings dammage,	s	d
and the charge of the Court, which is — the jury, &c,	9	00
For seruing y ^e warrant,	0	06
For two witnesses, three daies,	9	00

M^r Thomas Robinson complained against Cap^t James Cudworth, in an action of the case, to the damage of twenty pounds, for that the said Cap^t Cudworth, with others, in an arbetracion between the said Robinson and M^r Joseph Tilden, did acte contrary to bonds of arbetracion drawne betwixt them.

This suite was withdrawne, and charges alowed the defendant, as followeth : —

It, for Cap ^t Cudworth himselfe coming and attending Court	}	s	d
five daies,			
For a man sent to Duxburrow, to fetch subpenaes, one day	}	3	0
and an halfe,			
For other expence of time, to gett coppies of writings att	}	3	0
home, and witnesses that they are true copyes,			
For Leiftenant Torreyes attendance, five daies,		7	6
Steuens Vinall, one day,		1	6
For Cap ^t Hubbert, with his horse, 4 daies,		10	00
		01 ^h	12 : 6

Gor^g Barlow complained against Wiltam Gifford and Edward Perrey, in an action of defamaçõn, to the damage of one hundred pounds, in saying he tooke a falce oath. Judgment graunted.

The jury find for the plaintife.

Each of the defendants to pay fifty shillings, and to make their ac-

1658-9. knowlidgement publickly, which if they refuse to doe, fine pounds a peece, and the cost of the suite.

1 March.
PART I.
[*79.]

*Willam Nicarson complained against Edward Sturgis, in an action of trespas on the case, to the damage of twenty pounds, for vnjust takeing away of sundry goods and calues of his, in the custitie of Richard Berrey.

The jury find for the plaintiffe.

The calues that are aliuie to bee deliuered to Willam Nicarson or his agents, att Yarmouth; and those that are dead, the vallue of them as they were prised when they were attached, in current pay, and forty shillings damage, for vnjust molestation, and the cost of the suite. A review was graunted vnto the defendant, to bee tryed att the Court in May next.

Humphrey Johnson complained against Mr Joseph Tilden, in an action of defamcōn, to the damage of ten pounds, for defaming of him respecting the execution of his office for the countrey, about seruing warrants on the Lords day.

Judgment graunted.

The jury find for the plaintife forty shillings damage, and the cost of the suite.

	^s	^d
It, to the jury, &c, ...	9	00
It, for seruing the warrant, ...	0	06
It, a warrant for wittnesses, ...	0	06
It, for two witnesses 4 daies, ...	12	00
	01 ^h	02 : 00

The Juryes Names that tryed these Actions.

sworne.	{	Mr Josias Winslow, Seni ^r ,	}	sworne.	{	Thō Huckens,	}
		Mr John Bradford,				Nathaneell Warren,	
		Constant Southworth,				Willam Harlow,	
		Anthony Snow,				John Bourne,	
		John Morton,				Joseph Laythorpe,	
		Robert Finney,				John Jourdain.	

The Court haue alowed vnto Humphrey Johnson, as attorney in the behalfe of the countrey about Joseph Tilden's busines, the sume of twenty shillings, —

And vnto Gilbert Brookes the sume of 12 shillings, and to pay for them theire diett att Coles what is due out of the treasury.

Willam Paybody, Willam Hoskins, Henery Sampson, Gorg Partrich, and Stephen Bryant, are allowed by the Court each of them 4^s, according to their demaund, for their charges of attendance att this Court, being subpoenaed by Humphrey Johnson, to giue testimony in the busines of M^r Joseph Tilden.

1658-9.

1 March.
PART I.

**Att the Court held att Plymouth the third Day of May, 1659.*

1659.

BEFORE John Alden,

Willam Bradford, and

Josias Winslow,

Thomas Hinckley,

Thomas Southworth,

Assistants, &c.

3 May.

[*80.]

M^R RICHARD WOODEY complained against Richard Chadwell, in an action of the case, to the damage of forty pounds, for that hee, the said Richard Woodey, being surty for the said Chadwell, to answere what by law should bee awarded him to pay on the tryall of a suite comenced by M^r Thrumble, and sence that an execution hath bine serued on the estate of the said Woodey, on that behalfe, to the damage aforsaid.

The jury find for the plaintife twenty six pounds, foure shillings, and four pence, and forty shillings damage, and the cost of the suite, which is,—

	li	s	d
I [£] , the warrant, ...	00	00	06
I [£] , the serueing the warrant, ...	00	01	00
I [£] , entering the action, &c, ...	00	09	00
I [£] , the charges of his attorneys horse, ...	01	00	00
I [£] , a booke of lawes, bought in reference to the case, ...	00	01	00
	01	11	06

Whereas, att the Generall Court holden att Plymouth, the first of March, 1658, Willam Nicarson complained against Edward Sturgis, in an action of trespass on the case, to the damage of twenty pounds, for vnjust takeing away of sundry goods and calues of his, in the custitie of Richard Berry, the jury then finding for the plaintife, the calues that are aliue to bee deliuered to Willam Nicarson, or his agents, att Yarmouth, and those that are dead the vallue of them as they were prised when they were attached, in current pay, and forty

1659.

3 May.
PART I.

shillings damage, for vnjust molestation, and the cost of the suite. This Court haue graunted, att the request of Edward Sturgis, defendant, a review of the said suite, to bee tryed att this Court.

Judgment graunted to Wiltam Nicarson, according to the verdict.

The jury find for the defendant the charges of the suite.

Wheras there was noe number of calues specified in the verdict, it is agreed by the ptyes on all sides, that there was seauen calues in controuersy, and noe more.

An execution graunted to Wiltam Nicarson, according to the verdict.

[*81.]

*The charges of the Court allowed vnto Wiltam Nicarson,	s	a	
in reference to his suite att March Court last,			09 : 00
It, for Emanuell White and James Mathews goeing to Barn-			
stable, to giue testimony, 1 daies worke,			03 : 0
It, to John Gorum, coming to Plymouth to giue testimonie			
in the case about my cattle, six daies,			09 : 0
It, to Robert Eldred, for coming to Plymouth to giue testi-			
mony in the case betwixt Edw Sturgis and Wiltam			
Nicarson, six daies, and for Rob Eldred two daies to			
Eastham, for warrants, and for goeing to Barnstable, to			
gett testimonies sworne, two daies. This was all to pre-			
pare for March Court.	s	a	15 : 00

Time and charges spent in preparing for the Court in May, to review the case depending betwixt Edward Sturgis and Wiltam Nicarson, as followeth : —

It, Robert Eldred, two daies goeing to Eastham, to fetch	s	a	
witnesses,			03 : 00
It, more for Rob Eldred goeing to Eastham to prepare			
testimony about the prising of the calues, two daies, and			
for writing the testimony for Nicholas Nicarson and Rob			
Nicarson, being supenaed to giue testimony in the case,			
two daies going to Barnstable,			03 : 00
It, Rich Berry, being supenaed to giue testimony, one day,			01 : 06
It, for W ^m Nicarsons coming to defend the review, six			
daies worke, and the charge of my horse,			15 : 00

Gorg Barlow complained against Wiltam Newland, in an action of defamacon, to the damage of fifty pounds, in charging the said Gorge, and that in the face of the Court, that hee had broke vp his house in the night, and that hee had lost many things out of his house.

The jury find for the plaintife fue shillings damage, and the cost of the suite. 1659.

The Juryes Names.

3 May.
PART I.

sworne.	{	Mr Josias Winslow, Seni ^r , John Dunham, Seni ^r , Christopher Wadsworth, Ro ^b Finney, Th ^o Doghead, Ro ^b Bartlett,	}	sworne.	{	Th ^o Whitney, Gor ^g Partrich, Th ^o Pope, Jacob Cooke, John Rogers, Benjamine Bartlett.	}
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Att this Court, two actions were entered by James Leanard against James Bell, of Taunton, but not pleaded to. The charges allowed by the plaintife, and payed.

June 7th, 1659.

7 June.

SIX shillings alowed vnto Ensigne Wiltams, to bee paid by Robert Barker, for the said Ensigne Williams, for his attendance att Court, to answare the complaint of the said Barker, about the misusage of a gerle, the kinswoman of the said Williams.

**Att the Generall Court holden att Plymouth the 3^d of October,* 3 October.
[*82.]
1659.

BEFORE Thomas Prence, Gof ⁱ , Wiltam Collyar, John Alden, Josias Winslow, Assistants, &c.	Thomas Southworth, Wiltam Bradford, and Thomas Hinckley,
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ROBERT DENNIS complained against M^r Anthony Thacher, in an action of the case, for an vnjust molestation, to the damage of ten pounds.

The jury find for the defendant.

M^r John Barnes complained against John Holmes, in an action of treas-pas on the case, to the damage of fue pounds, for non pformance of couenants about worke.

1659.

3 October.

PART I.

The jury find for the plaintife fourteen shillings, and the charges of the suite.

Henery Saunders complained against Edward Perrey, in an action of treaspas on the case, to the damage of ten pounds, for non payment of a cow, with other charges, wherewith the said Henery was damnified by his service to the said Perrey, about killing of one of the countreyes cattle.

The jury find for the plaintife five pounds and ten shillings damage, and the cost of the suite.

The Juryes Names.

Mr Josias Winslow, Seni ^r ,	} sworne.	Samuell Sturtivant,
Mr John Bradford,		Wiltam Hoskins,
Christopher Wadsworth,		Wiltam Foard,
John Morton,		Gorge Partrich,
Anthony Snow,		John Rogers,
Robert Finney,		John Tracye.

[*83.]

*Wheras Mr Joseph Tilden complained att the Court held att Plymouth the 3^d of October, 1659, against Thom^o Hiland, Seni^r, of Scittuate, in an action of treaspas on the case, to the damage of five pounds, for stoping the said Joseph Tilden to boate his goods att the vsuall place on the north side of Greenfeild.

The abouesaid controuersye was refered to the determination of the bench, whoe heard the case largely spoken to, and they psuaded the said p^ties to agree the case betwixt themselues, which accordingly they did, the p^ticulares of which said agreement is as followeth, viz^t: The said Thomas Hieland engageth that Mr Joseph Tilden shall enjoy the way in controuersy quietly and peacably, and shall haue free egresse and regresse for the loading or vnloading of any goods att any time att the creeke that cometh vp on the north side of Greenfeild, in the township of Scittuate, in the ordinary place where boates haue formerly loaded, to him & his heires foreuer; and the said Thomas Hieland likewise engageth to pay five shillings to the said Joseph Tilden towards the charge of his coming to the Court about this busines; and it was agreed mutually by the said p^ties, that this agreement should bee recorded; and soe the said controuersye is put to a finall end.

Att this Court, alsoe, Wiltam Nicarson complained against Mr Anthony Thacher, in an action of the case, to the damage of twenty pounds, for vnjust

takeing away of goods and calues of his, in the custitie of Richard Berrey, contrary to law.

1659.

3 October.
PART I.

In the case aboue expressed, depending betwixt Wilſam Nicarson and Mr Anthony Thacher, respecting the said suite, comēced against the said Anthony Thacher, vizſ, in an action of the case, to the damage of twenty pounds, for vnjust takeing away of goods and calues of his, in the custitie of Rich Berrey, contrary to law, the said difference being mutually, by both pties, refered to the bench to put a finall end thervnto, the Court, haueing seriously considered of the p̄mises, haue agreed, and doe, the said Anthony Thacher shall pay vnto the said Wilſam Nicarson, or his assignes, the sūme of twenty shillings, and the charge of the said suite comēced, vizſ, the charge of the jury, clarke, and marshall; and soe the said controuersy is put to a finall end.

**Att the Generall Court held at Plymouth the seauenth of March, 1659.* 1659-60.

BEFORE Thomas Prence, Goũ, and	Josias Winslow,	7 March. [*84.]
Wilſam Collyare,	Thomas Southworth,	
John Aldin,	Wilſam Bradford, and	
Thomas Willett,	Thomas Hinckley,	
Assistants, &c.		

WILĒAM RANDALL complained against John Bryant, of Scittuate, in an action of trespas on the case, to the damage of ten pounds, for selling the timber of the said Wilſam Randalls.

The jury find for the defendant the charges of the suite.

The Charges allowed to the Defendant.

If, for fīue men goeing to giue testimony att Scittuate, . . . 05 : 0

If, for one testimony, his coming to the Court, and goeing home, 04 : 6

The Juryes Names.

{ John Morton,	} sworne.	{ John Rogers,	} sworne.
{ George Watson,		{ John Russell,	
{ Thomas Doghead,		{ Samuēl Dunham,	
{ Samuēl Hickes,		{ Stephen Bryant,	
{ Wilſam Harlow,		{ Ephraim Tinkham,	
{ Gorge Partrich,		{ Joseph Wadsworth,	

1659-60.

7 March.
PART I.

Mr Kenelme Winslow complained against Christopher Winter, the cunstable of Marshfeild, in an action of trespas on the case, to the damage of ten pounds, for takeing away his goods vpon distresse, vpon a rate vnjustly, as hee conceiues, by those whom the towne of Marshfeild appointed.

The jury find for the defendant the cost of the suit.

John Bourne, for one dayes attendance on this suite, to giue euidence, alowed, 1^s 6^d.

The Juryes Names.

sworne.	{	John Morton,	}	sworne.	{	Samuell Hickes,	}
		Gorge Watson,				Wiltam Harlow,	
		Ensigne Williams,				Samuell Dunham,	
		Robert Studson,				Stephen Bryant,	
		John Bryant,				Ephraim Tinkham,	
		Andrew Ringe,				Benajah Pratt.	

1660. *Att the Generall Court holden att Plymouth the 2^{cond} of October,
1660.

2 October.

[*85.]

BEFORE Thomas Prence, Goũ,
Wiltam Collyare,
John Aldin,
Josias Winslow,

Thomas Southworth,
Wiltam Bradford, and
Thomas Hinckley,

Assistants, &c.

This suite with-
drawne.

JOSEPH DUNHAM complained against Hester, the wife of John Rickard, in an action of slaunder and defamation, to the damage of an hundred pounds, for saying that hee, the said Joseph Dunham, did offer her money to bee naught with her.

The aboue said action was respeted by order of the Court, att the earnest desire of Gyles Rickard, Seni^r, in the behalfe of the aboue said Hester Rickard, in regard that her husband was from home when this suite was comēced.

For the suite comēced by Benjamine Nye against Wiltam Newland, see the fift page forward in this booke.

John Sutton complaineth against Thomas Hatch, in an action of the case,

to the damage of five pounds, for non pformance of an agreement with him about a stacke of hay.

1660.

2 October.
PART I.

The jury find for the plaintiffe fifty shillings damage, and the cost of the suite. Judgment graunted to the plainfife, according to the verdict.

Wiltam Clarke, of Duxburrow, complaineth against John Washburne, Juni^r, in an action of trespass on the case, to the damage of forty shillings, for cutting of grasse and makeing of hay on the marsh of Wiltam Clarke aforsaid, without his consent. This action was refered vntill the next Court for tryall, in regard the action was entered vpon the account of soe smale a damage ; it should haue bine ended att a Court of Assistants, according to order.

*Gorge Barlow complaineth against John Jenkins, in an action of defaĩtion, to the damage of thirty pounds, in affeirming in Court that the said Barlow seized seauen cowes, to satisfy for the sume of twenty pounds fine, or therabouts, and some odd shillings, and that after they were seized, one of the said cattle died, and hee tooke a liueing beast in the rome of that which was dead.

[*86.]

The jury find for the plaintiffe fifty shillings damage, to make publicke acknowledgment in the Court now in being, or to pay five pounds, and the cost of the suite.

John Jenkins did make such acknowledgment att this Court as was accepted.

Gorge Barlow complained against Thomas Burgis, Juni^r, in an action of defamation, to the damage of fifty pounds, for his reporting that the said Barlow tooke from Goodman Gaunt, for his fine of twenty-four pounds, seauen cowes and heaffers, two steers, seauen bushells and an halfe of peases, and that afterwards one of the cowes died ; the said Barlow tooke another liue cowe in the stead therof, because Barlow had not the hyde of the dead cow deliuered to him. The jury find for the plaintiffe three pounds damage, and an open acknowledgmet in this p̄sent Court, which if hee shall refuse to doe, six pounds damage.

The said defendant did make acknowldgment to satisfaction att the same Court.

*Mr Thomas Dexter complained against Henery Saunders, in an action of debt, for a mare and two oxen, to the damage of thirty pounds for the non payment of twenty-nine pounds. The jury find for the plaintiffe nine and twenty pounds and ten shillings damage, and the cost of the suite.

[*87.]

1660.
2 October.
PART I.

The charges allowed by the Court : —
For the serueing the summons, ... s d 6
For witnesses, ... 10 : 06
For the jury, clarke, and marshall, ... 09 : 00
For 3 supenaes, ... 01 : 06
In all, one and twenty shillings.

Mr Wiltam Collyare complaineth against Samuell Sturtivant, in an action of debt, and damage to the vallue of ten pounds, for non payment of a bill assigned by the Treasurer, the which the said Samuell Sturtivant promised to pay to the said Wiltam Collyare.

For one witnes one day, alowed s d 1 : 6

The jury find for the plaintiffe the debt of eight pounds and eight shillings damage, and the cost of the suite.

The Names of the Jury.

sworne.	{	Mr Joseph Andrews,	}	sworne.	{	Gorġ Bonum,
		Henery Wood,				Wiltam Clarke,
		Jacob Cooke,				John Wood,
		Edward Tilson,				Benajah Prate,
		John Jourden,				Joseph Wadsworth,
		Wiltam Harlow,				John Rouse.

Mr Josias Winslow, Seni^r, was foreman in the two last of the aboue said actions ; Mr Joseph Andrews being ancient, and pleading to bee released in regard of his long attendance on the Court.

1660-1. *Att the Generall Court holden att Plymouth the 4th of March, 1660.

4 March.
[*88.]

BEFORE Thomas Prence, Go ^u ,	Thomas Southworth,
Wiltam Collyare,	Wiltam Bradford, and
John Aldin,	Thomas Hinckley,
Josias Winslow,	
Assistants, &c.	

JAMES SKIFFE, administrator to the estate of John Green, late deceased, complaineth against Henery Saunders, in an action of debt, to the damage of ten pounds, for non payment of fue pounds and twelue shillings, as appeer by bill made to the said John Green.

The jury find for the plaintiffe four pound and seaunteen shillings, which is now due vpon bill, in the speccies expressed in the said bill, and thirty shillings damage, and the charge of the suite. 1660-61.

4 March.
PART I.

Mr Thō Bourne complained against Trustram Hull, in an action of the case, to the damage of fifteen pounds, for detaining of a horse belonging to the said Thomas Bourne.

This next aboue said action was in pte heard, and pleaded to, and withdrawne before any verdict was brought in, and the charges alowed to the defendant for his attendance att the Court about the same.

*Leiftenant John Freeman, by order from his ptenors, as agents for the towne of Eastham, according to the power comitted to them, doth in theire behalfe complaine against Ralph Smith, in an action of trespas on the case, to the damage of sixty pounds, for his vnjust appropriating to his owne vse a fish belonging to the said towne, contrary to the trust reposed on him by them; the said Leiftenant Freeman haueing giuen securitie to prosecute the said suite against att March Court, to bee holden att Plymouth, the first Tuesday of the said month, 1660. [*89.]

The jury find for the plaintiffe, the fish to bee returned to the owners, bee they English or Indians, and forty shillings damage, and the charges of the Court.

	s	d
The charges for serueing the attachment, ...	02	06
It, for drawing the oyle to cecure it, ...	03	00
It, for two witnesse, on horse backe, one day and halfe a night, ...	11	00
It, for 3 witnesses, 2 dayes, coming from Yarmouth, . . .		
It, to the clarke and jury, ...	09	00
	01 ¹¹	14 : 06

Wheras, att the Generall Court held att Plymouth the 7th of March, 1659, Wilkam Randall complained against John Bryant, of Scittuate, in an action of trespas on the case, to the damage of ten pounds, for selling the timber of the said Wilkam Randalls, the jury then finding for the defendant, the said Wilkam Randall hath obtained a review of the said suite, to bee tryed att this Court.

The jury find for the plaintiffe five pounds damage, and the cost of the suite.

	s	d
To the sumons, and serueing, ...	02	06
To the entry of the action, ...	09	00
To 2 witnesses, five dayes, ...	10	06

1660-61.

4 March.
PART I.

The Juryes Names.

sworne.	{	Nathaneell Warren,	}	sworne.	{	Edmond Weston,
		Thomas Whitney,				John Wood,
		Henery Wood,				John Washburne, Junr,
		John Jourdain,				Joseph Wadsworth,
		Wiltam Harlow,				Wiltam Clarke,
		Joseph Warren,				Wiltam Crow.

1660. *Att the Generall Court holden att Plymouth the second of October,
1660.

2 October.
[*90.]

BEFORE Thomas Prence, Goff,	Thomas Southworth,
Wiltam Collyare,	Wiltam Bradford, and
John Aldin,	Thomas Hinekley,
Josias Winslow,	
Assistants, &c.	

BENJAMINE NYE complained against Wiltam Newland, in an action of defamation, to the damage of fifty pounds, by testifying in Court that a message was brought or sent to him from Elizabeth Freeman, affirming that Jacob Burgis was drawne to testify that which he did consarning Barlow through feare, by Benjamin Nyes threatening him, in case hee would attend Barlow in his occations against the Quakers, and giue the p̄sent euidence, hee should not haue his daughter to wife. The jury found for the plaintife fifty shillings, or that the defendant bringe forth the enformer, and the cost of the suite. Judgment graunted, according to the verdict.

The Names of the Jury.

sworne.	{	Mr Joseph Andrews,	}	sworne.	{	Gorge Bonum,
		Henery Wood,				Wiltam Clarke,
		Jacob Cooke,				John Wood,
		Edward Tilson,				Benajah Prate,
		John Jourden,				Joseph Wadsworth,
		Wiltam Harlow,				John Rouse.

Att the Court held att Plymouth the 3 of October, 1661, an exeeusion was issued forth for the aresting of fifty shillings from the estate of Wiltam Newland, and the charges to satisfy the abouesaid verdict.

**Att the Generall Court held att Plymouth the first of October, 1661.* 1661.

BEFORE Thomas Prence, Go^d,
Wiltam Collyare,
John Aldin,
Josias Winslow,

Thomas Southworth,
Wiltam Bradford, and
Thomas Hinckley,

1 October.
PART I.
[*91.]

Assistants, &c.

JOHN SUTTON complained against Mary Russell, in an action of the case, to the damage of two hundred pounds, for engaging herselfe to another by promise of marriage, whenas shee had engaged herselfe by promise of marriage vnto the said John before. The jury find for the plaintiffe fifteen pounds damage, and the cost of the suite, which came to 1^l 10^s 06^d.

Richard Siluester, in the behalfe of his daughter, and Dinah Siluester, in the behalfe of herselfe, complained against John Palmer, Jun^r, in an action of the case, to the damage of two hundred pounds, for acteing fraudulently against the said Dinah, in not pforming his engagement to her in point of marriage.

The jury find for the plaintiffe twenty pound damage, and the cost of the suite, which came to 01^l 08^s 06^d.

Ensigne John Williams complained against Gowin White, in an action of the case, to the damage of twenty pounds, for non payment of moneyes, according to promise and specialties.

The jury find for the plaintiffe six pound bill, and the one pound and ten shillings bill due in the species or kind, nineteen shillings for hay, ten shillings damage, and the cost of the suite, which came to 01^l 01^s 00^d.

John Bryant complained against Wiltam Randall, in an action of trespas on the case, to the damage of ten pounds, for carrying away of timber, that the said John Bryant hath felled, and crose cutt it.

The jury find for the plaintiffe five shillings damage, and the cost of the suite, which came to 01^l 10^s 00^d.

The Names of the Jury.

sworne.	{ Wiltam Paybody, M ^r Samuell Saberry, John Finney, Thomas Whitney, Wiltam Hoskins, Andrew Ringe, }	sworne.	{ Samuell Dunham, Samuell Sturtivant, Ephraim Tinkham, Joseph Wadsworth, Stephen Bryant, Christopher Winter. }
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1661-2. **Att the Generall Court to bee holden att Plymouth the fift Day of March, 1661.*

5 March.

PART I.

[*92.]

BEFORE Thomas Prence, Goſſ,
Wilſam Collyare,
John Alden,
Thomas Willett,

Thomas Southworth,
Wilſam Bradford, and
Thomas Hinckley,

Assistants, &c.

THE elder Thomas Cushman, Thomas Clarke, and Thomas Pope, the ouerseers of the estate of Mistris Sarah Jenings, complaineth against Mr Constant Southworth, Treasurer, in an action of treaspas vpon the case, for illegall disposing of a mare and her increase, after that it was claimed to belonge to the estate of the heires of the said Sarah Jenings.

The jury find for the defendant.

The Names of the Jury that in this Action.

sworne.	{	Anthony Snow,	}	sworne.	{	John Jourdain,	}
		Andrew Ringe,				Ephraim Tinkham,	
		Wilſam Paybody,				John Dunham, Junir,	
		James Browne,				Benajah Pratt,	
		John Dingley,				Jonathan Dunham,	
		Wilſam Harvey,				Abraham Jackson.	

Robert Barker complained against Robert Sprout, in an action of the case, to the damage of ten pounds, for treaspas, in takeing away the hay of the said Barker from his meddow.

The jury find for the plaintiffe six pounds damage, and the charge of the Court.

Judgment was graunted, according to the verdict.

The Names of the Jury.

sworne.	{	Anthony Snow,	}	sworne.	{	Benjamin Bartlett,	}
		Gorge Watson,				Benajah Pratt,	
		Henery Wood,				Jonathan Dunham,	
		John Dingley,				John Tracey,	
		John Jourdain,				Samuell Dunham,	
		John Dunham, Junir,				Abraham Jackson.	

Willam Randall, hauing bine formerly p̄sented for telling of a lye, did att this Court put the said presentment vpon a trauerse, and the jury last aboute mentioned had the tryall therof, whoe brought in the said presentment to bee a true p̄sentment.

1661-2.

5 March.
PART I.

**Att the Generall Court held att Plymouth the third Day of October, 1662.*

1662.

3 October.

[*93.]

BEFORE Thomas Prence, Goũ,
Willam Collyare,
John Aldin,

Josias Winslow,
Thomas Southworth, and
Willam Bradford,

Assistants, &c.

M^R JOHN BARNES complained against Robert Ransom, in an action of the case, to the damage of twenty pounds, for neglecting to giue him sufficient securitie for the payment of a horse, according to agreement, which the said Ransome hath bought of the said Barnes.

In reference vnto the abouesaid action, Robert Ransome hath made ouer vnto the said John Barnes, for securitie for the horse vntill it is payed for, fifteen acres of meddow, lying and being in the south meddowes, in the township of Plymouth, or belonging thervnto ; and three acres of vpland, and a house theron at Lakenham, in the township of Plymouth aforesaid, and fue or six acres of meddow belonging thervnto ; and hee is to pay vnto the said John Barnes a barrell of tarr for charges, within one month, all which is to bee securitie for the said horse, both for time and specye.

Willam Hailstone complained against Jonathan Briggs, in an action of the case, to the damage of sixty pounds, for detaining the goods and chattles of the said Hailstone.

The jury find for the defendant the cost of the suit.

Willam Randall complained against Humphrey Johnson, Abraham Sutliffe, and Joseph Barstow, in an action of treaspas on the case, to the damage of an hundred pounds, for carrying away the said Randalls cooper timber, both staues and boults, by night and day.

The jury find for the plaintiffe four pounds and ten shillings damage, and the cost of the suite ; and judgment was graunted, according to the verdict.

The charges allowed by the Court were 1^{li} 17 6.

1662.

2 October.
PART I.

Att this Court, John Doged, of the Iland called Martins Vinyard, complained against the towne of the said Vinyard, in an action of the case, for the title of a certaine pcell of land graunted vnto the said John Doged, by M^r Thomas Mayhew, &c, which the said inhabitants doe vnjustly and illegally desturbe him in his quiett injoyment of the same, which said case is by joynt consent on both ptyes refered to the determination of this Court.

The jury find for the plaintiffe the full title graunted to him by M^r Thomas Mayhew, Seni^r.

[*94.] *Hugh Cole complained against M^r Trustrum Coffin, of Nantuckett, in an action of the case, in the sume of ten pounds, for damage done vnto him, the said Hugh Cole, for non payment for a boate the said Coffin bought of the said Cole. The jury find for the plaintiffe fiue pounds damage, and the cost of the suite. Judgment was graunted according to the verdict.

Jonathan Hatch complained against M^r Trustrum Coffin, of Nantuckett, in an action of debt, to the damage of twenty pounds, for non payment of thirteen pounds and ten shillings, as by bill vnder his hand appeers. The jury find for the plaintiffe, and giue him his bill, and forty shillings damage, and the cost of the suite. Judgment was graunted according to the verdict.

Gorge Watson, Gyles Rickard, and Willam Crow were appointed, by the Court, to apprise the goods lying vnder attachment, belonging to M^r Trustrum Coffin, which accordingly was done by the pties aboue mencioned, as followeth : —

Plymouth, October 10th, 1662. In obeidience to the order of the Court now in being, wee, whose names are vnder written, haue viewed, measured, and weyed two cables, with one hundred twenty three pounds of loose ropes, and a blocke, belonging to M^r Trusterum Coffin, lying att the house of Gorç Watson ; and according to the best of our judgments, wee doe vallue and apprise the aforsaid p^ticulares to bee worth eight pounds seauenteen shillings and thripence. In witnes wherof wee haue sett to our hands the day and yeare aboue written.

GORGE WATSON,
GYLES RICKARD,
WILLAM CROW.

[*95.] *Elisha Besbey complaineth against John Rogers, in an action of the case, to the damage of twenty pounds, for vnjustly detaining timber and cooper stuffe, which was in p^tenorship between the said Besbey and Rogers, which

was gotten vpon the comon by them both. The jury find for the plaintiffe seauen thousand of halfe hogshead timber, or the full vallue of it in the place where it lay, two pence damage, and the cost of the suite.

1662.

2 October.
PART I.

The Names of the Jury.

sworne.	Christopher Wadsworth,	} sworne.	Ephraim Morton,	}
	Mr John Bradford,		Thomas Doged,	
	Mr Samuell Sabery,		John Smalley,	
	Gorge Watson,		Ensigne Jonathan Aldin,	
	John Morton,		Nathaniell Fish,	
	Robert Finney,		‡John Smalley.‡	

**Att the Generall Court held att Plymouth the third of March,*
1662.

1662-3.

3 March.
[*96.]

BEFORE Thomas Prence, Goſt,	Josias Winslow,
Wilſam Collyare,	Thomas Southworth,
John Aldin,	Wilſam Bradford, and
Thomas Willett,	Thomas Hinckley,
Assistants, &c.	

WILIAM RANDALL complained against Humphrey Johnson, in an action of the case, for illegall, injuriouse, and vnjust molesting and troubleing of him, by attaching his house and land, and corne, with all his cattle, to his very great damage, depriueing him of the vse and benefitt of his teame and cowes, and the losse of his corne, for the liuelyhood and support of his family, exposing of them to very great straightes for a great pte of this summer last past, and alsoe detaining from him two oxen, three cowes, two heifers, two calues, and one mare and coult, none of them being returned vnto him againe, as alsoe for damage sustained by attending vpon him att the Court att Plymouth, with his witnesses, the said Johnson not procecuting his action, in all to the damage of three hundred pounds.

The jury find for the plaintiffe sixteen pounds damage, and the cost of the suite.

Richard Church and John Tompson complained against Cap^t Thomas Willett, in an action of the case, to the damage of twenty four pounds, for

1662-3. non performing an agreement, according to couenants, about the meeting house att Plymouth.

3 March.
PART I.

Find for the defendant the cost of the suite.

Major Josias Winslow complained against Nathaniell Warren, in an action of the case, to the damage of forty pounds, for denyall of legall assurance of land bought of the said Warren, lying neare Namassakett, and for trespassing by felling of timber vpon the said land.

This was put to reference, and soe ended.

Wiltam Nicarson complained against the towne of Yarmouth, in an action of treaspas on the case, to the damage of forty pounds, for withhold- ing from him his shares of whale blubber, for seuerall yeares past. Find for the defendants the cost of the suite. In reference to this suite, Mr Anthony Thacher, Robert Denis, and Richard Tayler stand bound vnto the Court in the sume of forty pounds, in the behalfe of the towne of Yarmouth, to an- sware the said suite, coëmenced by William Nicarson, against the said towne.

[*97.]

*Thomas Howes, Seni^r, and Robert Denis, complaineth in the behalfe of themselues and the rest of their neighbours, whoe by towne order are to haue their shares of the whales this yeare, w^h by Gods prouidence are or shalbee cast vp within their townshipes, against Wiltam Nicarson, Seni^r, in an action of treaspas on the case, to the damage of forty pounds, for vnjust molestation in vnjust attachment of the blubber of a whale belonging to the said complainants.

The jury find for the plaintifffes ten pounds damage, and the cost of the suite. Judgment graunted.

Abraham Sutliffe complaineth against Wiltam Randall, John Palmer, Juni^r, and Joseph Randall, joyntly and seuerally, in an action of the case, to the damage of twenty pounds, for carrying away of timber of the said Sut- liffes, after it was cutt and riuen vpon the comon, and Wiltam Randall de- taineing the said timber after demaund.

This was put to reference, and ended as followeth : —

Whereas there was an action depending betwixt Abraham Sutliffe, plain- tiffe, and Wiltam Randall, defendant, as conserning interest in timber, which was to bee issued att March Court, 1662, these witnesseth, that for and in consideration of six pounds seauen shillings and six pence, payed to mee in

hand, that I, the said Abraham, doe lett that action fall, and doe hereby testify, that the aforesaid sume being paid, it shalbee a finall end of all thinges concerning this controuersy betwixt the said Randall and my selfe, and John Palmer, Junir, and the said Joseph Randall, which six pounds seauen shillinges and six pence I owne to bee paied in my owne hands, which was due to the aforesaid Randall vpon a verdict the last October Court, which money was raised by verdict and bill of the charges.

The mark *Je* of WILLIAM RANDALL,
ABRAHAM SUTLIFFE.

1662-3.

3 March.
PART I.

It was mutually agreed by both pties, that this writing should bee recorded in Court.

Witnes, Joseph Tilden,
James Doughtey.

*Ensigne John Williams complained against John Sutton, in an action of the case, to the damage of five pounds, for treaspas, in carrying away of wood of the land of the said Williams.

[*98.]

The jury find for the plaintiffe two pence damage, and the cost of the suite.

John Sutton complained against Ensigne John Williams, in an action of the case, to the damage of forty pounds, for strikeing of him.

The jury find for the plaintiffe fifteen shillinges damage, and the cost of the suite.

William Barstow complained against John Palmer, Junir, in an action of case, to the damage of forty pounds, for defamation, in reporting that Mary, the daughter of the said Barstow, had taken a false oath.

The jury find for the plaintiffe five pounds damage, and the cost of the suite.

William Barstow complaineth against William Randall, in an action of the case, to the damage of three hundred pounds, for sundry defamations, chargeing the said Barstow with stealing of timber, and alsoe that hee had taken a false oath against Goodman Palmer, when he sware the peace against him.

The jury find for the plaintiffe six pounds damage, and the cost of the suite.

Joseph Rogers complained against Rebeckah and Alice Peirce, in an

1662-3. action of the case, to the damage of twenty pounds, for sundry defamations, and p̃ticularly for reporting that they saw the said Joseph, and Mercye, the wife of Wilłam Tubbs, lying vnder a blankett.

3 March.
PART I.

The plaintiffe withdrew him selfe after hee had appeared in Court, and being called, not answaring, was non suited.

[*99.] *Wilłam Swift complaineth, in the behalfe of himselfe and sundry of his neighbors, in combination with them, against Thomas Ewer, in an action of trespas on the case, to the damage of ten pounds, for feling and carting away of timber belonging to the township of Sandwich, and for non payment of two pounds and fifteen shillings, as by bill appeers vnder his hand. The jury find for the plaintiffe three pounds damage, and the cost of the suite.

The names of the jury that tryed the action betwixt Richard Church and John Tompson, plaintiffes, and Cap̃t Willett, defendant, are as followeth : —

sworne.	{	John Bourne,	}	sworne.	{	Benamine Nye,
		Gorge Soule,				Resolved White,
		James Walker,				Francis Crooker,
		Barnabas Laythorp,				John Whiston,
		Joseph Beedle,				Stephen Winge,
		Henery Sampson,				John Wadsworth.

The names of the jury that tryed all such of the aforesaid actions are as followeth : —

sworne.	{	John Morton,	}	sworne.	{	Ephraim Tinkham,
		Ephraim Morton,				John Rogers,
		Gorge Watson,				Thomas Doged,
		Wilłam Crow,				Samuell Dunham,
		Thomas Whitney,				Trusterum Hull,
		Stephen Bryant,				Joseph Laythorpe.

Wilłam Swift and Stephen Winge did engage in the behalfe of the towne of Sandwich, for all of them excepting the Quakers and their relations, to saue harmles and vndamnified Thomas Ewer, ⁊ that may arise to him by reason of the trespas aboue specifyed, in the action comēced against him, hee satisfying and paying the sūme and charges awarded him to pay by the jury.

[*100.] *Wheras there was a suite comēced formerly and tryed betwixt John Sutton, plaintiffe, and Mary Russell, (now the wife of John Jacob,) defendant,

concerning promise of marriage betwixt the said Mary and John Sutton, 1662-3.
wherein hee had a verdict against her, —

The said John Jacob, and Mary, his wife, now complaining against the said Sutton, in way of review of the said action: Whereas there was formerly a suit comēced by John Sutton against Mary Russell, now the wife of John Jacob, of Hingham, concerning a promise of marriage made to the said Sutton, and a verdict was then giuen for him; and that now a review of that case being entered, it was, by joynt agreement of the abouesaid John Jacob and John Sutton refered to the determination of the Goũ and Assistants, now siting, as appeers by theire bonde giuen, baring date the first of March, 1662.

Wee haueing seriously weiğed and considered such evidences as haue bine now giuen in concerning the case, wee conceine that had the former jury taken notice of such testimonies as wee haue now seen, they would haue found that the said Mary might haue just ground to retract from any such conditionall promise or engagement, as appeered to haue bine made by her; and we doe also giue in as our award and determination in the case, and doe judge that, the p̄mises considered, her actinges haue bine such in reference to this matter as may not reflect vpon her disparagement, wee apprehending that what wrong hath bine vnto John Sutton heerin hath bine rather occasioned by her father then by the said Mary herselfe, shee haueing heard such thinges concerning the said Sutton as might justly discourage her, although the truth of such reports wee see not cause to determine; and further, in consideration of the charge and trouble that the said John Jacob hath bine att in clearing vp of his wifes innocencye, (which hee saith hee principally hath respect vnto,) wee doe award that the abouesaid John Sutton doe pay vnto John Jacob, in good and current pay, the sũme of fifty shillinges, some time betwixt this and the last day of May next; and this wee giue as our award and determination in the case aboue mencioned.

3 March.

PART I.

The review as
it was entered.

**Att the Generall Court holden att Plymouth the fift of October, 1663.* 1663.

5 October.

[*101.]

BEFORE Thomas Prence, Goũ,

Willam Collyare,

John Aldin,

Thomas Hinckley, Assistants, &c.

Josias Winslow,

Thomas Southworth,

Willam Bradford, &

1663.

5 October.
PART I.

M^R THOMAS HAWLEY complained against Wiltam Allin and Daniell Butler, in an action of the case, to the damage of forty pounds, with all other due damages, for takeing away his mare in a violent and royetous mañer.

The jury find for the plaintiffe.

The mare and coult that the mare brought, since taken from him, to bee deliuered by the defendants, fifty shillings damage, and the cost of the suite ; but if not deliuered, then sixteen pounds damage and the cost of the suite ; and judgment was graunted, according to the verdict.

John Roads complaineth against Joseph Billington, in an action of the case, to the damage of nine pounds, for non payment of a debt of six pounds nine shillings and eight pence.

The jury find for the plaintiffe four pounds eleuen shillings and foure pence damage, and the cost of the suite.

Judgment graunted, according to the verdict.

Humphery Johnson complaineth against Wiltam Randall, in an action of the case, to the damage of an hundred pounds, for defaming the said Johnson in reporting him to be a theife, and that hee had stolen the cooper stuffe of the said Randall, and for indeauoring to p̄sent the said Johnson vpon illegall testimony, and for after suing the said Johnson and recouering a verdict by illegall testimony, although the timber seued for was Abraham Sutliffes, as appears by Wiltam Randalls yielding the verdict to Abraham Sutcliffe.

The jury find for the plaintiffe two pence damage, and cost of the suite.

Judgment graunted, according to the verdict.

Wiltam Shirtliffe complaineth against Charles Hopkins, in an action of the case, to the damage of ten pounds, for cecuritie of the payment of his p̄te of a bill of twenty pounds, due vnto M^r John Folke, in the which the said Shirtliffe is in danger, as his p̄tner, to bee sewed.

The jury find for the plaintiffe the one halfe of the bill, to be made good by the defendant, twenty shillinges damage, and the cost of the suite.

Judgment was graunted, according to the verdict.

[*102.]

*John Bayley complaineth against Ensigne John Williams, in an action of slaunder and defamation, of one hundred pounds, and is for saying that his wife was the said Bayleys whore, and that hee could proue it by two sufficient witnesses.

The jury find for the plaintiffe ten pounds damage, and the cost of the suite.

Judgment graunted.

Att this court a review of this action was graunted to the defendant.

1663.

5 October.
PART I.

Ensigne John Williams complaineth of John Sutton, in an action of the case, to the damage of fifty pounds, for burning the fence of the said John Williams, and alsoe puling downe the fence, and letting in horses and cattle into his land.

The jury find for the plaintiffe ten shillinges damage, and the cost of the suite.

Judgment was graunted, according to the verdict.

Elizabeth Soule complaineth against Nathaniell Church, in an action vpon the case, to the damage of two hundred pounds, for com̄iting the acte of fornication with her, the said Elizabeth, and for deneying to marry her.

The jury find for the plaintiffe ten pounds damage, and the charge of the suite.

John Jacob complaineth against John Sutton, in an action of the case, to the damage of fifty pounds, for a debt due vnto him vpon the forfeiture of a bond giuen the last March, binding him to the pformance of an award made against him by the Gour and Assistants.

The jury find for the plaintiffe the forfeiture of the bond, and the cost of the suite.

Judgment was graunted, according to the verdict.

James Doughtey complained against Peter Collymore, in an action of slaunder and defamation, to the damage of an hundred pounds, for reporting that Thomas Ingham tould him that the wife of the said James Doughtey did aduise, or put the said Thō Ingham in a way, how hee might steale yearne, and make his cloth hold waight, and that by her owne experience, hauing woole of other psons to spin, and laying it on a dampe flore, it would hold waight and a pritty matter spare.

The jury find for the plaintiffe fue pounds damage, and the cost of the suite.

Judgment was graunted, according to the verdict.

1663.

5 October.

PART I.

The juryes names that tryed all the said verdicts, excepting Elizabeth Soule against Nathaniell Church, are as followes : —

sworne.	{	Wiltam Paybody,	}	sworne.	{	John Tompson,	}
		Anthony Snow,				Benjamine Bartlett,	
		Ephraim Morton,				Wiltam Crow,	
		Robert Finney,				Samuell Dunham,	
		Hugh Cole,				Samuell Sturtivant,	
		Gorge Bonum,				Thomas Tobey.	

The names of the jury that tryed the suite betwixt Elizabeth Soule, plaintiffe, and Nathaniell Church, defendant, are as followeth : —

sworne.	{	Wiltam Paybody,	}	sworne.	{	Wiltam Crow,	}
		Robert Finney,				Samuell Dunham,	
		Hugh Cole,				Samuell Sturtivant,	
		Gor̃g Bonum,				Thomas Tobey,	
		Ephraim Morton,				John Bryant,	
		John Tomson,				Wiltam Shurtliffe.	

Att this Court, these two p̃sentments following were put vpon trauers : —

Wee p̃sent Joseph Rogers, of Mattachese, and Mercye Tubbs, for that they were both lying together one night on a bed, under a rugg, before the fier ; and alsoe the same Mercye Tubbs, for that att another time shee carryed vnseemly in the p̃sence of Joseph Rogers.

The jury found this aboue said a true p̃sentment.

Wee p̃sent Ann, the wife of John Hudson, for sundry times doing seu-erall workes on the Lords day.

The jury find not this next aboue.

The Juryes Names.

sworne.	{	Wiltam Paybody,	}	sworne.	{	Wiltam Crow,	}
		Anthony Snow,				Samuell Dunham,	
		Robert Finney,				Samuell Sturtivant,	
		Hugh Cole,				Thomas Tobey,	
		Gor̃g Bonum,				John Bryant,	
		John Tompson,				Wiltam Shurtliff.	
		Benjamine Bartlett,					

Wiltam Loe deposeth and saith, that hee, with others, signified vnto

Charles Hopkins that Wilam Shurtliffe had comēnced suite against him att the Court att Plymouth, and that his answare was, that hee could not come, and hee might doe what hee would and hee would answare it afterwards.

Taken in the Court held att Plymouth the fift of October, 1663.

Attested p me,

NATHANIELL MORTON, Clarke.

1663.

5 October.
PART I.

**Att the Generall Court holden att Plymouth the first of March, 1663.* 1663-4.

BEFORE Thomas Prence, Gof,

Thomas Southworth,

John Aldin,

Wilam Bradford, and

Thomas Willett,

Thomas Hinckley,

Josias Winslow,

1 March.

[*104.]

Assistant, &c.

ENSIGNE JOHN WILLIAMS complained against John Sutton, in an action of the case, to the damage of five pounds, and is for not paying of foure pound in wheat and barley, which is due to the said John Wilams, for keeping of Gorg More.

The jury find for the defendant the cost of the suite.

Mr John Barnes complained against Ralph Chapman, in an action of the case, to the damage of twenty pounds, for non pformance of conditions about a pcell of sheep which the said John Barnes put forth to the said Chapman to the halues, the encrease about six yeares before the date heerof, and for neglecting to returne the principall to him, the said John Barnes, againe.

This was put to reference.

Gorge Vaughan complained against Wilam Surtliffe, in an action of the case, to the damage of five pounds, for vnjust molestation in attaching and takeing away of a beast of the said Vaughans, for a pretended debt of Charles Hopkins, of Boston.

The jury find for the plaintiffe, his beast to bee deliuered again, and the charge of the Court.

Judgment was graunted, according to the verdict.

Wheras, att the Generall Court of his matie held att Plymouth the fift day of October, (63,) John Bayley comēnced suite against Ensigne John Wilams, in an action of slaunder and defamation, of an hundred pounds, for

1663-4. saying that his wife was the said John Bayleys whoare, and that hee could proue it by two sufficient witnesses, and that he, the said Bayley, obtained a verdict of ten pounds, and the charge of the Court, hee, the said Wiltam, hath put the said action vpon a review att this Court.

1 March.
PART I.

This was withdrawne.

[*105.] *Samuell Allin complained against Mr John Barnes, in an action of defamation, to the damage of one hundred pounds, for reporting att seuerall places that one of Wiltam Newlands daughters was with child, and that shee layed it to three men, one a married man, and two younge men; one of the younge men was Samuell Allin.

In rērence vnto this action, the following acknowledgiment was ordered to bee recorded:—

Wheras Samuell Allin, of Barnstable, hath comēced suite against mee, John Barnes, of Plymouth, in an action of defamation, to the damage of an hundred pounds, for reporting att seuerall places that one of Wiltam Newlands daughters was with child, and that shee layed it to three men, one a married man, and two younge men, nominating and saying Samuell Allin was one, wherevpon Mr Barnes doth heerby declare to all that it may concerne, that hee, receiuing a report from another mans mouth, hath vnadvisedly reported the aboue said p̄mises, to the detryment and disarragement of the aboue said Samuell Allin; for the which I am hartily sorry for, and heerby desire to giue due satisfaction, and alsoe promise to take all due courses wherby the said Allins credit may bee repaired again, and that it shalbee lawfull heerby to cause it to be published whersoever the said Allin pleaseth. And this to bee recorded. Witnes my hand.

Mr

Witnes.

This is **I B** BARNES his

Peregrine White,

hand.

Wiltam Clarke.

John Jacob complained against Joseph Turner, in an action of the case, to the damage of one hundred pounds, for slaundering the said Jacob, and vnjustly comēcing suite against him.

Concerning this, both p̄ties agreed.

John Sutton complained against Ensigne John Williams, in an action of the case, to the damage of fiue pounds, for setting vp a fence, or causing it to bee sett vp on my meddow land, and alsoe for carting ouer my meddow.

This was withdrawne.

*Mr Joseph Tilden complayned against Gowin White, in an action of 1663-4.
debt, of six pounds due vpon bond.

The jury find for the plaintiffe, and giue him his bond.

1 March.

PART I.

[*106.]

The Names of the Jury.

sworne.	{	Mr John Bradford,	{	John Tisdall,
		James Walker,		Jonathan Dunham,
		Mr Josias Standish,		Edward Fitsrandall,
		Thomas Whitney,		John Washburne, Junr,
		William Eldred,		James Bursell,
		Samuell Dunham,		Samuell Hickes.

October 4th, 1664.

1664.

Seuerall Testimonies appointed to bee recorded.

4 October.

WILLIAM RANDALL, supenaed by John Palmer, testifyeth that in his sight and psence Richard Silvester did signe and deliuer a generall acquittance, and release made or written by Humphery Johnson, dated the sixt of Nouember, 1661, vnto the said John Palmer, and that John Langley and Henery Ewell were all witnesses to the said acquittance; and that hee did forbear subscribing as witnes thervnto, ptely because of his relation to the said Palmer, and ptely that he thought it was sufficiently witnessed by the three psons forenamed.

See more of these testimonies the 4th page forward in this booke, p. 110.

October 5th, (64.) Taken vpon oath before me,

THOMAS HINCKLEY, Assistant.

Know all men by these psents, that wee, Richard Silvester and Dinah Silvester, doe by these psents fully and absolutely acquitt and discharge John Palmer, Junr, from all dues, debtes, and demaunds vpon what account soeuer, from the begining of the world to this day. In witnes wherof wee haue sett to our hands this sixt of Nouember, 1661.

The marke  of RICHARD SILVESTER,

The marke  of DINAH SILVESTER.

Witnes, Humphery Johnson,

John Langley,

The marke of  Henery Ewell.

1664.

4 October.
PART I.

Humphery Johnson testified vpon oath, that this acquittance aboue written was the acte and deed of Richard Siluester and Dynah Siluester. This oath was taken the fift of October, 1664, before mee,

JOHN ALDIN, Assistant.

[*107.] **Att the Generall Court held att Plymouth the 4th Day of October, 1664.*

BEFORE Thomas Prence, Goũ,	Thomas Southworth,
John Alden,	Willam Bradford, and
Josias Winslow,	Thomas Hinckley,
Assistants, &c.	

WILLEM RANDALL complained against Jeremy Hatch and John Turner, Seni^r, in an action of the case, to the damage of an hundred pounds, for coming vpon and following him vpon his owne land, in a roycetous manor; and for threatening speeches vsed by some of them, tending to the hurt of his pson; and for treaspas done vpon his land, cuting downe his wood, or hoop pole stuffe, vnder pretence of the said land to bee comon, by meanes wherof the said plaintiffes title to his inheritance is rendered letigious, doubtfull, and vncertaine, and for assault and battery made by the said Thomas Hatch vpon the body of the said Randall, and casting him to the ground on his owne land, and for the damages of their said actings, sundry wayes sustained. The jury find for the defendants the cost of the suite.

Edward Jenkins complained against John Williams, Juni^r, in an action of the case, to the damage of ten pounds, for fencing in of land of the said Jenkins, and for violent resisting him in the highway, as hee was driueing his cattle into the same land.

The jury find for the plaintiffe fve shillings damage, and the cost of the suite.

Edward Jenkins complained against Ensigne John Williams, in an action of the case, to the damage of twenty pounds, for battery, and sheding of blood by striking the said Jenkins.

The jury find for the plaintiffe ten shillings damage, and the cost of the suite.

Mr John Barnes complained against John Rushell, in an action of the case, to the damage of four pounds, for non payment of two pounds nineteen shillings and odd money due from the said John Rushell to the said John Barnes.

1664.

4 October.
PART I.

The jury find for the plaintiffe his debt, the cost of the suite, and a peny damage.

*Wiltam Randall complained against John Turner, the elder, of Scittuate, in an action of the case, to the damage of fifty pounds, for cutting and carrying away his timber from of his propriety, and for treaspas in coming vpon his land, and for measuring and altering the true and ancient bounds therof without his leaue, and without any order from the authoritie of the countrey, or from the towne of Scittuate; and for an assault made vpon his body and strikeing him vpon his owne land, and for tearing his clothes; and for that by the aforesaid acting of the said Turner, the defendant, the plaintiffes title to his inheritance is alsoe rendered letigious, doubtfull, and vncertaine, to the further and intolerable damage of the plaintiffe and his posteritie. The jury find for the plaintiffe a peny damage, and the cost of the suite.

[*108.]

Mr John Gray, Seni^r, complained against Edward Sturgis, Juni^r, in an action of trespass on the case, to the damage of forty pounds, by his breaking of the rudder of his boat, and casting of her moreing in the docke, wherby shee hath bine bended and damnified to the damage of forty pounds.

The jury find for the defendant the cost of the suite.

Walter Hatch complained against John Siluester, in an action of the case, to the damage of twenty pounds, for treaspas, in entering vpon the lands of the said Hatch, and cutting downe his wood and timber, and disturbing him in the posession of the said lands. The jury find for the plaintiffe five shillings damage, and the cost of the suite.

Nathaniell Winslow, of Marshfeild, complained against Mr Joseph Tilden, in an action of the case, to the damage of fifteen pounds, for vnjust molestation, in attaching of two coves of the said Nathaniels for a debt of Edward Bumpas.

This was in part pleaded to, but let fall by consent of both parties.

Jeremiah Hatch and Thomas Hatch complained against Wiltam Randall, in an action of the case, to the damage of fifty pounds, for vnjust molestation of them, in a violent and forcable manor, takeing of their hoop poles,

1664.

4 October.
PART I.

threatening language, and alsoe for striking one of them, to the danger of life or limbes. The jury find for the plaintifves thirty shillings damage, and the cost of the suite.

[*109.]

*Willa^m Clarke, of Yarmouth, complained against Edward Sturgis, in an action of treaspas on the case, to the damage of ten pounds, for vnjustly detaining of a pcell of land, and for carrying away his house from it, and for feigning that hee had bought it. The jury find for the plaintiffe twenty shillings damage, and the cost of the suite.

Mr Joseph Tilden, Richard Dwelley, John Turner, Juni^r, and James Torrey, of Scittuate, doe, on the behalfe of the towne of Scittuate aforsaid, complaine against Humphery Johnson, of Hingham, in an action of treaspas on the case, to the damage of one hundred pounds, for carrying away of timber, and barke, and railes, of from our townes lands. The jury find for the plaintifves thirty shillings damage, and the cost of the suite.

Mr Joseph Tilden complained against John Williams, Juni^r, in an action of debt, of fourscore pounds, due vpon a bond assigned vnto the said Joseph Tilden by John Williams, Seni^r.

The jury find for the plaintiffe, and giue him his bonds, and the cost of the suite.

Thomas Starr complained against Mr Anthony Thacher, in an action of defamation, to the damage of forty pounds, in his publicke reporting, in open Court, that hee, the said Thomas Starr, scoffed at the word of God, about sercumspect walking, and that hee made bargaines, and bought and sould, on the Lords day.

The jury find for the defendant the cost of the suite.

Edward Sturgis, Juni^r, complaineth against Thomas Phelpes, in an action of slaunder and defamation, to the damage of forty pounds, in reporting that Goodwife Denis was a base, lying woman, and bid the said Phelpes tell her soe, and if hee would not, hee should bid Nathaniel Bassett carry his ^ to her, or words to the like purpose.

The jury find for the plaintiffe a halfe peny damage, and the cost of the suite.

[*110.]

*Thomas Boardman complained against Gorg^e Allin, in an action of the case, to the damage of fve pounds, for vnjustly detaining of meddow from

his assignes, which did of right belonge vnto him, the said Boardman. The jury find for the defendant the cost of the suite. 1664.

4 October.
PART I.

The Names of the Jury.

sworn.	{	Mr Samuell Sabery, John Morton, Thomas Doged, John Dingley, Gorg Russell, Roger Goodspeed,	}	sworne.	{	Peter Worden, Myles Blackwell, John Rogers, Ephraim Tinkham, Wilfam Crow, Gorg Bonum.	}
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These aboue named were the jury whoe went on tryall on all the actions that were tryed att this Court, saue the action wherin M^r Tilden and others in the action named were plaintifves against Humphery Johnson. Att the tryall of which said action, M^r Anthony Thacher and Samuell Ryder, Seni^r, of Yarmouth, were instead of John Morton and Gorg Russell.

October 5th, 1664. Wilfam Randall, of Scittuate, testifyeth that hee heard Richard Siluester, soñtimes of Marshfeild, acknowlidg that hee had sold vnto John Palmer, of Scittuate, Juni^r, forty acrees of vpland, lying aboue Wilfam Barstowes lott, and six acrees of meddow ground, lying within or betwixt Wilfam Barstowes meddow ground, and that in the sight and psence of this deponent, the said Siluester did make deliuey by turffe and twigg vpon the said meddow, in the name of the whole purchase, that is to say, of the forty acrees of vpland, and six acrees of meddow, bee they more or lesse. 5 October.

See more of
these testimo-
nies 4 pages
backward of
this booke, p.
106.

Taken vpon oath, October 5, (64,) before mee,

THOMAS HINCKLEY, Assistant.

This deponant, being subpenied, testifyeth, that diuers yeares since, Richard Siluester and John Palmer, Juni^r, came to my house to gett mee to make an euidence for forty acrees of vpland, (as I remember,) and six acrees more or lesse of meddow, which euidence shortly after I made. Afterwards Richard Siluester and John Palmer came to my house to seale the said euidence, (as I understood by them when they came,) but then did not doe it, because, as Richard Siluester said, there was some of the pay behind; soe I heard noe more of it concerning sealeing the euidence; but about some two yeares since, or therabouts, as I remember, I vnderstood that John Palmer had arrested the said Siluester, for euidence for the said land, after which time Richard Silues-

1664. ter, with some others, being att my house, and were in discourse about the
 5 October. said action, I heard the said Richard Silvester say that if John Palmer had
 PART I. brought him euidence and desired him to seale it, hee would haue done it, if
 John Palmer would pay him that which was behind.

Taken vpon oath before mee, Thomas Hinckley, Assistant, this fift of
 October, 1664.

1664-5. *Att the Generall Court holden att Plymouth the 7th Day of March,
 1664.

7 March.

[*111.]

BEFORE John Aldin, Deputie Gou,
 Thomas Southworth,

Wiltam Bradford, and
 Thomas Hinckley, &c.

M^R JOHN BARNES complained against Maher Dyer, in an action
 of the case, to the damage of twenty pounds, for carrying away and
 makeing vse of the said John Barnes his boate, without his order.

Mr Maher Dyer complained against Mr John Barnes, in an action of the
 case, to the damage of two hundred pounds, for that the said Barnes caused
 the said Dyer to bee wrongfully imprisoned, and for that the said Barnes,
 by his complaint, att his action and suite, caused the shalopp or boate of the
 said Dyer, with her riging, sayles, and the rest of her implements, to bee
 attached, and to be held vnder attachment, vpon a notion and pretence of
 being the boate or shallope of the said Barnes, soe that the said Dyer was
 debarred from makeing sale or imploying the said shallop, and hee disabled
 and put by his intended psonall imploy, to the great damage and detriment
 of the said Dyer.

This action was withdrawne before the action next aboue entered was
 tryed.

In reference vnto the action first aboue entered, wherein Mr John Barnes
 complained against Mr Maher Dyer, in an action of the case, to the damage
 of twenty pounds, for carrying away and makeing vse of the said John
 Barnes his boate, without his order, the verdict of the jury is as followeth : —

If the bond produced by the plaintiffe bee legall, wee find for the plain-
 tiffe the boat in controuersy, two pence damage, and the cost of the suite.
 If the said bond bee not legall, wee find for the defendant the cost of the suite.

Att the Court held the 7th of March, 1664, as abouesaid, Cap^t James Cudworth, of Scittuate, in the jurisdiction of Plymouth, in New England, produced before the said Court a letter of attorney, wherby it appeered that the said Captaine Cudworth hath full power and authoritie derived vnto him from M^r Maher Dyer, of Road Iland, for him, and in his behalfe and stead, to acte, sue, implead, agree, refer, determine, and put to finall end, issue, and conclusion, all matters in reference to all and euery action or actions relateing vnto and depending between John Barnes and Jonathan Barnes, of the toune of Plymouth, in the jurisdiction of Plymouth, aforesaid, and the said Maher Dyer, of and concerning the exchange of a shallope for a slooppe, in which said letter of attorney the said Maher Dyer standeth engaged to allow, aproue, ratify, and confeirme whatsoever his said attorney should doe, or has done, in the p^rmisses, to bee as legall and erouocable as if the said Dyer had bin psonally p^rsent att the said Court, and had acted therein.

1664-5.

7 March.
PART I.

All controuersies that haue bine depending, or are ariseing, betwixt M^r John Barnes and Jonathan Barnes, his son, and M^r Maher Dyer, aboue said, about the exchange of their vessells, aboue said, are refered by both p^rties vnto the bench for a full and finall determination therof. The bench, therefore, takeing the p^rmisses into their serious consideration, doe determine as followeth : —

1. There being noe legall bill of sale, or exchange, giuen to Maher Dyer in John Barnes pasing of the exchange of his boate for the said Dyers slooppe by reason of the said Jonathans being vnder age, and the father of the said Jonathan not signeing thervnto, wee judge the boate vnder attachment to remaine the said Barneses, and order the returning the said slooppe, with all that att present *belongeth to her, (viz^t), in sayles, riging, cables, and ankers, vnto the p^rsent posession of the said Dyer in the place where she now lyeth.

[*112.]

2. Vpon consideration that the said Maher Dyer hath sustained much damage in being disappointed in that bargain which him selfe conceived was soe fairely made, not discerning, it seemes, that Jonathan Barnes was vnder age, and his father, John Barnes, being alsoe p^rsent when the said bargain and exchange was made, and not gainsaying of it, but seeming rather to bee att that time pleased with it, which seemes to vs to bee much the occation of misleading the said Dyer, wherby such damage aforesaid doth acrew unto him, wee therefore order, that the said John Barnes shall pay, or cause to bee payed, vnto the said Maher Dyer, or his assignes, heer att Plymouth, vpon demaund, the full sūme of thirteen pounds in countrey pay att prise current, and each p^rty to beare their owne charges expended about the said controuersy ; and this our order to bee a full and finall determination of all differences

1664-5. and demaunds any waies ariseing, or belonging, to the controuersyes about this said bargaine or exchange.

7 March.

PART I.

Wiltam Clarke complained against Robert Bowker, in an action of the case, to the damage ten pounds, for not sufficiently pforming a peece of worke in the building of a stacke of chimneyes according to bargaine.

The jury find for the plaintiffe foure pounds damage, and the cost of the suite.

Judgment was graunted.

Nathaniell Winslow complained against Wiltam Holmes, in an action of the case, to the damage of five pounds, for vnjust molestation in attaching his cattle wrongfully for M^r Joseph Tilden, as hee pretended, there being noe account nor difference between them.

The jury find for the defendant the cost of the suite.

A review was graunted to the plaintiffe.

[*113.] *John Williams, Juni^r, complained against M^r Thomas Summers, in an action vpon the case, to the damage of an hundred pounds, for slaundering and defaming the said Williams, in saying that hee made the said Summers pay twice for his diett; and, alsoe, when hee was in the bay, for all the time he was absent; and for saying that hee, the said Summers, was one hundred pounds the worse for coming into the said Williams his house; and for vseing and disposing of the goods or right of the said Williams, without his leaue or order.

The jury find for the plaintiffe ten shillings damage, and the cost of the suite.

John Bryant complained against Wiltam Randall, in an action of the case, to the damage of ten pounds, for not sealling of a deed in reference to a pcell of mersh, which the said Bryant bought of the said Randall.

This action was withdrawne.

Joseph Turner complained against M^r John Barnes, in an action vpon the case, to the damage of three pounds and ten shillings, for vnjust molestation in sueing the said Turner for a debt when not due.

This action was withdrawne.

Wiltam Holmes complained against Thomas Little, in an action of the case, to the damage of five pounds, for that the said Little misled the said Holmes in the execution of his constables office, in causeing him to attach vn-

justly the chattels of Nathaniell Winslow, and engaging to leave him harmless in soe doing. 1664-5.

The jury find for the defendant the cost of the suite.

Review was graunted the plaintiffe.

7 March.
PART I.

Wheras, att the Generall Court of his ma^{tie} held at Plymouth, for the jurisdiction of New Plymouth, the fourth day of October, 1664, Wiltam Clarke, of Yarmouth, complained against Edward Sturgis, Seni^r, in an action of the case, to the damage of ten pounds, for vnjustly detaining a pcell of land, and carrying away his house from it, and for feigning that hee had bought it,—

A review was graunted to the said Edward Sturgis to haue bine tryed att this Court, but it was withdrawne and put to reference.

*The names of the jury that tryed the actions before mentioned were as followeth : — [*114.]

sworne.	{	John Morton, Stephen Bryant, Thomas Whitney, Ephraim Morton, John Bourne, Wiltam Foard, Seni ^r ,	}	sworne.	{	John Bryant, Trustrum Hull, Benjamine Bartlett, John Daman, Gyles Richard, Juni ^r , Abraham Jackson.	}
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Captaine Nathaniel Thomas complained against M^r Samuell Arnold, in an action of treaspass on the case, to the damage of ten pounds, for certaine treaspases done vpon the land of the said Captaine Thomas, lying vpon the easterly side of Greensharbour Riuer, next to a cart bridge and causway which leadeth ouer the said riuer towards the house of the said M^r Arnold.

The jury find for the defendant the cost of suite. A review was graunted to the plaintiffe.

The names of the jury that tryed the action next aboue entered are as followeth : —

sworne.	{	John Morton, Stephen Bryant, Thomas Whitney, Ephraim Morton, John Bryant, John Daman,	}	sworne.	{	Benjamine Bartlett, Trustrum Hull, Abraham Jackson, Samuell Sturtivant, Gyles Rickard, John Washburne, Juni ^r .	}
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1665. **Att the Generall Court holden att Plymouth the third Day of October,*
1665.

3 October.

PART I.

[*115.]

BEFORE Tho^{ms} Prence, Go^u,

Wiltam Collyare,

John Alden,

Josias Winslow,

Thomas Southworth,

Wiltam Bradford, and

Thomas Hinckley,

Assistants, &c.

WILIAM SWIFT complained against Wiltam Allin, in an action of trespas vpon the case, to the damage of twenty pounds, for vnjust claime to, and deneying of his land to him, and cuting his grasse without his leaue and order. The jury find for the plaintiffe the meddow land, two pence damage, and the cost of the suite.

Justus Eames complained against Samuel Sprague, and Sarah, his wife, and John Foster, in an action on the case, to the damage of fifty pounds, for detaining and keeping away a writing consarning lands so^{ft}imes belonging to Thomas Chillingsworth, and for withhoulding the said land by violence, in which hee hath good interest, deneying to pay him rent, and refusing to come to any deuision of the same. The jury find for the defendant the cost of the suite.

Withdrawne
before tryall.

Nathaniell Winslow complaineth against Wiltam Holmes, in an action of the case, to the damage of five pounds, for vnjust molestation, in attaching his cattle wrongfully, for M^r Joseph Tilden, as hee pretended, there being noe accounte nor difference between them.

M^r John Barnes complained against Joseph Billington, in an action of the case, to the damage of three pounds, for non payment of a debt of two pounds and one shilling.

The jury find for the plaintiffe his debt of twenty nine shillings, one shilling damage, and the cost of the suite.

M^r John Barnes complained against Joseph Ramsden, in an action of the case, to the damage of ten pounds, for non payment of a debt of six pounds five shillings and eight pence.

The jury find for the plaintiffe his debt of six pounds five shillings and eight pence half peny, six shillings damage, and the cost of the suite.

Willa^m Shirtliffe complained against Willa^m Sherman, in an action of the case, to the damage of six pounds, for that the said Sherman neglecteth to pay to the said Shirtliffe the remainder of a bill of twenty pounds, which was owing by Charles Hopkins to the aboue said Shirtliffe, the aboue said Sherman being the said Hopkins his surty.

1665.

3 October.
PART I.

The ꝑties agreed before the juryes verdict came in.

*Mr Joseph Tilden complained against Willa^m Holmes, in an action vpon the case, to the damage of twenty pounds, for that the said Holmes, when hee was constable, receiued an attachment requireing him to attach goods of Edward Bumpas, att the action and suite of the said Tilden, which, although the said attachment was serued vpon cowes and other goods, yet the said Holmes neither deliuered the attachment vnto the said Tilden, nor made a legall returne vnto the Court therof, nor of what hee had done therin, wherby the said Tilden was made vncapable to enter his action, and to procecute for the recouery of the debt, which Edward Bumpas owed him.

[*116.]

The plaintiffe non suited.

Ensigne John Williams complained against Thomas Su^mers, in an action of the case, to the damage of fve hundred pounds, for vnlawfull vsing the wife of the said Williams, or abusing of her in reference vnto vnchastity.

The jurye find for the plaintiffe twenty pounds damage, or that the defendant make a publick acknowledgment att this ꝑsent Court, that hee hath wronged John Williams, and Elizabeth, his wife, by raiseing scandalous reports of her, and alsoe to acknowledg^e the same att Scittuate, on the first training, or the first convenient oppertunitie, in the head of the companie, and the cost of the suite.

Which acknowledgment was made as followeth. I, Thomas Summers, doe heerby acknowledge that I haue wronged Elizabeth Williams, the wife of John Williams, by scandulous and reproachfull speeches, by mee spoken against her good name and credit; further owning, that I never had the least ground to speake one word against the honesty and good behauior of the said woman; alsoe, as it consernes her husband, John Williams, I doe acknowledge my words were justly offenciu^e; and this I doe in obeidience to the order of the honored Court, the justice wherof I humbly acknowledge.

Mr Samuell Saberry and Robert Barker complaine against Robert Sprout, in an action of trespas on the case, to the damage of twelue pounds, for that the said Sprout doth mow, improue, and carry away hay of

1665.

3 October.
PART I.

from a certaine tract of meddow of theires, lying att Robinsons Creeke. This action was not thought meet to bee refered to the jury, but rather to bee ended some other way; and accordingly the Court appointed men to end the difference, it being mainly betwixt the townes of Duxburrow and Scittuate. See order and passages of the Court, October, (65.)

Elizabeth Ensinge, widdow, complained against Thomas Sumers, in an action on the case, to the damage of five hundred pounds, for inticing and drawing away her daughter vnseasonably, and by vnlawfull meanes, against her will, and abusing her said daughter.

The jury find for the plaintiffe fifty shillings damage, and the cost of the suite.

[*117.]

*Sidrack Thayer, of Brantrey, complained against John Briggs, of Taunton, in an action of the case, to the damage of thirty pounds, for the non payment of eighteen pounds, which hee refuseth to satisfy.

This was taken vp by agreement of both pties, before jury verdict came in.

The Names of the Jury.

Leiftenant Ephraim Morton,	} These sworne.
Joseph Andrewes,	
Thomas Whitey,	
Henery Wood,	
Samuell Dunham,	
Nathaniell Warren,	
John Tracye,	
Gorge Bonum,	
Willam Hoskins,	
Samuell Ryder,	
Ephraim Tinkham,	
Stephen Bryant.	

Mistris Rachell Dauenport, as attorney to her husband, Mr Humphrey Dauenport, and alsoe in her owne right as heire vnto Major William Holmes, complaineth against Thomas Little and Josias Keen, in an action of the case, to the damage of six hundred pounds, for detaineing an estate of lands, and building vpon them, and the rents of the same for seuerall yeares, which estate was once belonging to Major Holmes abouesaid, and by him bequeathed vnto the abouesaid Rachell, his kinswoman.

The jury find for the plaintiffe the estate of lands which Thomas Little and Josias Keen are possessed of in Major William Holmes his right, and the cost of the suite.

1665.

3 October.
PART I.

The names of the jury that tryed the last entered action are as followeth:—

Leift Ephraim Morton,	} sworne.	John Tracye,	} sworne.
Joseph Andrews,		Gorge Bonum,	
Thomas Whitney,		Samuell Ryder,	
Henery Wood,		William Hoskins,	
Samuell Dunham,		Ephraim Tinkham,	
Nathaniell Warren,		Stephen Bryant,	

Mistris Rachell Dauenports Bill of Cost.

To moneys for the jury, &c, ...	00:09:00
To the constable for serueing the attachment, ...	00:02:06
To two witnesses, ...	00:03:00
To a copy of Records, ...	00:01:00
To charges about witnesses in the Bay, ...	00:03:00
To one witnes out of the Bay, seauen daies, ...	00:10:06
Allowed of this bill, ...	01:09:00

**Att the Court held att Plymouth for the Jurisdiction of New Plymouth, the sixt Day of March, 1665.*

1665-6.

6 March.
[*118.]

BEFORE Thomas Prence, Goſſ, Thomas Southworth,
 John Alden, Wiltam Bradford, and
 Josias Winslow, Thomas Hinckley,
 Assistants, &c.

M^R JOHN BARNES complained against John Dotey, in an action of the case, to the damage of five pounds, for moweing a pte of his meddow, without his order, wherby another was put of from mowing it for the said Barnes his vse.

The jury find for the defendant the cost of the suite.

1665-6.

6 March.
PART I.

Edward Jenkins complained against Stephen Vinall and John Vinall, in an action of the case, to the damage of ten pounds, for that the said Vinalls violently molested the said Jenkins in his laboure, both in words and actions.

The jury find for the plaintiffe five shillings damage, and the cost of the suite.

A review was graunted of this action.

Nathaniel Winslow complained against Mr Joseph Tilden, in an action of review of a replevin that should haue bine tryed att a Court held att Plymouth in October, one thousand six hundered sixty four, obstructed by the said Tilden, to the damage of fifteen pounds, for vnjustly molesting the estate of the said Winslow for another mans debt.

The jury find for the plaintiffe twenty shillings damage, and the cost of the suite.

The Names of the Jury.

sworne.	{	Willam Harlow,	}	sworne.	{	Samuell Dunham,	}
		John Rogers,				Samuell Sturtivant,	
		Henery Wood,				Benjamine Nye,	
		Ephraim Tinkham,				Francis Combe,	
		Willam Cooke,				John Wadsworth.	
		John Tracye,					
		Andrew Ringe,					

1666.

5 July.

Att the Court held att Plymouth the fift Day of July, 1666.

BEFORE Thomas Prence, Goſſ,
John Aldin,
Josias Winslow,

Thomas Southworth,
Willam Bradford, and
Thomas Hinckley,

Assistants, &c.

RICHARD WILLIS complaineth against Peter Steuens, in an action of the case, to the damage of seauen pounds, for that the said Steuens departed this gouernment indebted to him the sum of foure pounds ; there being an attachment layed vpon seauen barrells of tarr, as the proper goods of the said Steuens, in reference vnto the said debt, which debt being not as yett cleared vp, and the said tarr on that account condemned according to law, is refered vnto this Court.

The jury find for the plaintiffe three pounds and sixteen shillings debt, and the charges of the suite.

The Names of the Jury.

1666.

5 July.
PART I.

sworne.	John Morton,	sworne.	Jacob Cooke,
	Leift Ephraim Morton,		Joseph Warren,
	Thomas Whitney,		Samuell Dunham,
	Wiltam Hoskins,		Wiltam Clarke,
	Gorge Bonum,		James Cole, Juni ^r ,
	Sarjeant Ephraim Tinkham,		Thomas Cushman,
			Francis Combe.

*An Account of two Rates made att Scittuate, heer recorded for specíall Reason. [*119.]

	The first Rate.			The second Rate.		
	ll	s	d	ll	s	d
John Palmer, ...				00	01	06
Wilt Barstow, ...				00	01	10
Robert Studson, ...	00	5	6	00	06	06
Humphery Johnson, ...	00	3	6	00	03	03
Thomas Bird, ...	00	5	6	00	03	03
Richard Silvester, ...	00	1	0	00	00	00
Wiltam Curtis, ...	00	1	0	00	00	00
Wiltam Randall, ...	00	2	0	00	03	03
John Bryant, ...	00	1	7	00	03	03
Ephraim Kempton, ...	00	1	6	00	03	03
John Turner, Seni ^r , ...	00	1	11	00	03	03
Thomas Rawlins, Seni ^r , ...	00	3	00	00	03	03
Thomas Rawlins, Juni ^r , ...	00	5	00	00	00	00
Wiltam Parker, ...	00	0	07	00	03	03
Thomas Chamber, ...	00	2	06	00	03	03
Walter Hatch, ...	00	5	10	00	03	03
Wiltam Hatch, Juni ^r , ...	00	0	5	00	03	03
M ^r Witherell, ...	00	5	00	00	03	03
Gorge Sutton, ...	00	00	10	00	03	03
Anthony Dodson, ...	00	00	11	00	03	03
M ^r Thomas Kinge, ...	00	00	7	00	03	03
M ^r Varssall, ...	00	04	02	00	03	03
M ^r White, ...	00	00	06	00	03	03
Wiltam Wills, ...	00	00	08	00	03	03
Peter Collymore, ...	00	00	10	00	03	03
Gorge Russell, ...	00	01	04	00	03	03

1666.

5 July.
PART I.

Isacke Stedman, ...	00:01:05 . .	00:03:03
Henery Ewill, ...	00:00:04 . .	00:00:00
Leiftenant Torrey, ...	00:00:05 . .	00:03:03
Humphery Turner, ...	00:01:05 . .	00:03:03
Walter Woodward, ...	00:04:08 . .	00:03:03
Thomas Robinson, ...	00:04:02 . .	00:03:03
Thomas Ingam, ...	00:00:02 . .	00:00:00
John Hewes, Juni ^r , ...	00:00:05 . .	00:03:03
Widdow Hicke, ...	00:02:05 . .	00:03:03
Wiltam Brookes, ...	00:01:10 . .	00:00:00
Thomas Clapp, ...	00:02:05 . .	00:03:03
John Hewes, Seni ^r , ...	00:01:00 . .	00:03:03
John Hanmer, ...	00:01:00 . .	00:03:03
Thomas Turner, ...	00:02:00 . .	00:00:00
Edward Wiltams, ...	00:01:00 . .	00:00:00
Obadiah Winter, ...	00:01:00 . .	00:03:03
Richard Standlecke, ...	00:00:06 . .	00:00:00
John Rogers, ...	00:02:07 . .	00:00:00
Robert Barker, ...	00:01:08 . .	00:00:00
Edward Tilson, ...	00:01:01 . .	00:00:00
Elisha Besbey, ...	00:00:01 . .	00:00:00

This above is a true copy of both the rates for the Indian purchase for the west end of the towne.

Witnes, JOSEPH TILDEN,
RICHARD GARRETT.

31 October.
[*121.]

**Att the Generall Court of his Ma^{tie} held att Plymouth, for the Jurisdiction of New Plymouth, the thirty-one of October, Anno Domⁱ 1666.*

BEFORE Thomas Prence, Go^{vt},
John Aldin,
Josias Winslow,

Thomas Southworth,
Wiltam Bradford, and
Thomas Hinckley,

Assistants, &c.

JOHN GODFREY, of the towne of Newberry, in the jurisdiction of the Massachusetts, complained against John Pecke, of Rehoboth, as administrator on the estate of Richard Ormsbey, deceased, in an action of the case,

to the damage *to the damage* of fifty pounds, for non payment of the sume of forty pounds and sixpence, due to the said John Godfrey from the estate of the said Richard Ormsbey, as pte of a bond vnpayed.

1666.

31 October.
PART I.

The jury find for the defendant the cost of the suite, as judging that the defendant is not the right pson that should haue bine sued in this case.

John Godfrey, of the towne of Newberry, in the jurisdiction of the Massachusetts, complained against John Pecke, of Rehoboth, in the jurisdiction of New Plymouth, in an action of the case, to the damage of ten pounds, for the non payment of the sume of five pounds and fifteen shillings, due to him, the said Godfrey, from the estate of Richard Ormsbey, as appeers by a bill vnder his hand.

The jury find for the defendant the cost of the suite, as judging that the defendant is not the right pson that should haue bine sued in this case.

In reference vnto the suites of John Godfrey, aboue named, for seuerall debts out of the estate of Richard Ormsbey, the Court haue graunted vnto him a judgment of the sume of twenty pounds, which is, and is to be, in full satisfaction vnto the said Godfrey for all former debts, dues, and demaunds from the said estate by the said Godfrey, from the begining of the world to this day; and in case the said Godfrey and the adminestrators on the said estate doe not otherwise agree about the quallitie of the pay, that then the said Godfrey shall make choise of soe much of the said estate as will amount vnto the vallue of ten pounds; and the remaining ten pounds to bee payed in such pticulars of the said estate as the adminestrators shall see meet.

And for the remainder of the said estate, that it remaine in the custody of the said adminestrators vntill the Court shall otherwise order.

Henery Andrews complained against Robert Crosman, in an action vpon the case to the damage of fourscore pounds, for non pformance of worke about a barne, according to agreement, for the said Andrews.

This action was agreed, and taken vp before it was pleaded to.

*Gorge Watson, Gyles Gilbert, and William Witherley complained against James Walker, Robert Crosman, John Maycomber, and Nicholas White, in an action of treaspas on the case, to the damage of an hundred pounds, for hindering the fish for haueing a convenient passage vp and downe the Mill Riuer att Taunton, by the worke about the saw mill, contrary to the inhabitants of the towne of Taunton, and contrary to the promise of the said James Walker, all which hath bine great damage to the complainants and others. [*122.]

1666.

31 October.
PART I.

The jury find for the plaintifffes, that a sufficient passage be made by the defendants att the Mill Riuer att Taunton for the fish where they vsually goe vp and downe, where the saw mill or dam now erected is an anoyance to the said fish, the expence of time, and the cost of the suite.

Major Josias Winslow, Leiftenant John Freeman, and Nathaniel Bacon, in the behalfe of themselves and others, to whom certaine lands were graunted by the Court, lying and being att a place called Mamamoiett, doe com-
plaine against Robert Eldred, Trustrum Hedgis, and Nathaniel Couell, in an action of treaspas on the case, to the damage of three score pounds, for vn-
just posession and improuement of the said lands. The jury find for the
plaintifffes ten shillings damage, and the cost of the suite. Judgment was
graunted by the Court according to the verdict.

Leiftenant John Freeman and Nathaniel Bacon complained against
Willam Nicarson, in an action of slaunder and defamation, in the behalfe of
themselves and some others, to whom certaine lands were graunted at Manna-
moiett by the Court, to the damage of five hundred pounds, 'in the false
acuseing them for a royett and rout, and sundry other falce and slanderous
charges, as in a script vnder his hand doth more att large appeer.

This was withdrawne, and not pleaded vnto.

Edward Wright, and Lydia, his wife, complained of Naomy Silvester,
exequitric to Richard Silvester, deceased, in an action vpon the case, to the
damage of fifty pounds, for vnjustly detaining of cattle and other goods de-
liuered by John Longe to the said Richard and Naomy, for the proper vse
and behoofe of their daughter, Lydia Silvester.

The jury find for the plaintifffes ten pounds and ten shillings, and the
pticulars expreßd in the following invoyce, thirty shillings damage and the
cost of the suite.

The pticulars are as followeth : —

Item, one peece of cloth, as much as will make a woman a petticoate.

Item, one old shirt.

Item, one Holland sheet.

Item, one laced Holland cubbert cloth.

[*123.] *Item, a paire of Holland drawers.

Item, two pillowbears.

Item, one old hatt.

Item, one stewpan.

Item, one small bason.

Item, one small sawcer.

Item, one brasse candlestick.

Item, one wine barrell.

Item, one locke for a gun.

Item, one shift.

Item, one jarr, with bulletts.

1666.

31 October.

PART I.

Mr Joseph Tilden complained against William Randall, in an action of debt due vpon bond, to the sume of forty pounds, of currant siluer money.

This was withdrawne.

Mr Joseph Tilden complaineth against William Randall, in an action of slaunder and defamation, to the damage of five pounds, for saying that the said Joseph Tilden is a cheater, and that hee had cheated him.

Mr Joseph Tilden complaineth against William Randall, in an action of slaunder and intollorable defamation, to the vallue of a thousand pounds, for frequently fomenting vnto psons amongst whom hee comes, that the said Tilden is a cheater, and in rendering the said Joseph Tilden to be as notorious a cheater as hath liued, and for to make this defamation the better to take in the minds of people, and as a further agravation therof, in the audience of diuers, charged the said Tilden to haue cheated him of many a pound, and also giues warning in the psence of diuers to be warned of the said Tilden, saying, Looke to him; hee will cheat you; and, further, that the said Tilden made nothing to take a falce oathe, and was noe more cleare of the said oathe that hee tooke then the deuell was.

These two next aboue mensioned actions were withdrawne, on condition of a publick acknowledgment made by the said Randall, as followeth:—

Wheras Mr Joseph Tilden hath two actions depending against William Randall, for slaundering and defaming of him,—now, that all men may see and know that it is not William Randalls estate that hee lookes at, but only to his credit, name, and reputation, therefore the said Joseph Tilden is willing to lett fall his actions and to rest satisfied, if the said William Randall *shall justify his witnesses, who witnes that Randall should say that the said Tilden is a cheater, a diuillish rogue, as cheating a diuill as euer went to hell, and one that had cheated him of many a pound; and that hee made nothing of takeing a falce oath, and was noe more cleare of the falce oath hee tooke

[*124.]

1666.

31 October.
PART I.

than the diuill was. In all which, I, the said Wiltam Randall, did sinfully and wickedly speake, haueing noe ground soe to say ; and doe declare the said Tilden, before all the world, to be free from the guilt of the slaunderous charges before mensioned ; and this publickly to declare and acknowledge in the open Court, and att a publicke meeting att Scittuate ; and alsoe giue this acknowledgment of clearing vnder my hand, and satisfy the said Tilden what just & due charges hee hath bine att in preparation of the procecution of his actions.

The last day of October,

Ann^o Doñ 1666.

The marke

of  WILLIAM
RANDALL.

Wiltam Foard, constable, of Marshfeild, complaineth against John Siluester and Naomy and Dinah Siluester, his sisters, in an action of the case, to the damage of one hundred pounds, for molesting and abusing him in the execution of his office, by rescuing Naomy, theire mother, out of his hands, whoe was then arested by him.

The jury find for the plaintiffes forty shillings damage, and the cost of the suite ; leaueing the criminall pte to the Court (viz^t) against John and Dinah, aboue named.

The names of the jury that tryed these actions were as followeth :—

sworne.	{	John Morton,	}	sworne.	{	Stephen Bryant,
		Gorge Partrich,				John Daman,
		Thomas Whitney,				Samuell Ryder,
		John Tompson,				Benajah Prat,
		Samuell Dunham,				Wiltam Crow,
		John Cobb,				John Sprague.

Memorandum : that in the action coñenced by Major Winslow, Leiff Freeman, and Nathaniell Bacon, against Robert Eldred, Trustrum Hedges, and Nathaniel Couell, and in the action coñenced by Leiftenant Freeman and Nathaniell Bacon against Wiltam Nicarson, and in the action coñenced by Wiltam Foard, constable of Marshfield, against John, Naomy, and Dinah Siluester, John Morton did not serue, and John Caruer was in his stead ; and John Tompson was foreman.

**Att the Court held att Plymouth the fift of March, 1666.*

1666-7.

BEFORE Thomas Prence, Goſſ, Thomas Southworth,
 John Alden, Wilſam Bradford, and
 Josias Winslow, Thomas Hinckley,
 Assistants, &c.

5 March.
 PART I.
 [*125.]

EDWARD GRAY complained against John Russhell, of Acushenah, in the towne of Dartmouth, in an action of the case, to the damage of nine pounds, for none payment of seuerall debts, amounting to the sume of six pounds and one shilling, or therabouts, as appeers by booke and a bond.

The jury find for the plaintiffe three pound nine shillings and two pence due vpon bond, six shillings damage, and the cost of the suite.

Judgment was graunted, according to the verdict.

Mr Constant Southworth, Treasurer, complained against Captaine James Cudworth, in an action of the case, to the damage of ten pounds, for non payment of a debt of five pounds, due vpon specialtie.

This action was taken vp before it was pleaded to.

Mr John Sunderland, attorney to Mr Joshua Scottawey, of Boston, marchant, complaineth against John Tucker, in an action of the case, to the damage of thirty pounds, for non payment of fifteen pounds due vpon bill.

The jury find for the defendant the cost of the suite, and that the debt of fifteen pounds is payed by receipts, one bearing date September the first, 1666, and the other September the 9th, 1666.

Mr John Sunderland, as attorney to Mr Joshua Scottowey, of Boston, marchant, complaineth against Boatswaine John Griggs, in an action of the case, to the damage of six hundred and fifty pounds, for non payment of six hundred and nearest about seauen pounds, due to the said Scottowey, as by bill appeereth.

The jury find for the plaintiffe the debt of six hundred and six pound fifteen shillings and five pence as by bill, twenty pounds damage, and the cost of the suite, and the goods that are vnder attachments, that shall appeer to be the said Griggs his, to be responsible towards the payment of the debt.

*The names of the jury that tryed the actions on the other side of this leafe were, — [*126.]

1666-7.

5 March.
PART I.

sworne.	{	John Morton,	}	sworne.	{	Mr Josias Standish,	}
		Thomas Whitey,				Gorg Bonum,	
		Gorge Watson,				Samuell Dunham,	
		Joseph Warren,				Joseph Howland,	
		Wilkam Clarke,				Jonathan Barnes,	
		Wilkam Crow,				John Wadsworth.	

Seuerall Writings appointed to be recorded, which relate to some of the Suites forenamed.

Know all men by these p̄sents, that I, Joshua Scottow, of Boston, haue sold and deliuered vnto John Griggs and John Tucker one shallop, and masts, yards, oares, and sayles, and other appurtenances belonging to the said shallop, and doe assure them from any ^ from, by, or vnder me, to molest them in any quiett and peacable possession therof, and euery p̄cell therof, to the true p̄formance heerof, I binding my selfe, my heires, exequitors, and administrators vnto the said Griggs and Tucker, their heirs and assignes. In witnes heerof, I haue heeronto sett my hand this sixt day of June, 1666.

Witnes, Thomas Sauage, Juni^r,
John Tamlinge.

JOSHUA SCOTTOW.

Receiued of John Griggs and John Tucker, for the vse of Mr Joshua Scottow, eighteen quintills of refuse fish, two quintills of merchantable fish, and one barrell of oyle, in pay for a shallop. I say receiued p me,
29th September, 1666.

JOHN TAMLINGE.

Receiued, September the first, 1666, of John Griggs and John Tucker, one barrell of oyle and ten quintills of refuse fish, vpon account of Mr Joshua Scottow.

I say receiued, p me, THOMAS SAUAGE.

1667.

2 July.
[*127.]

**Att the Court holden att Plymouth the 2^{cond} of July, 1667.*

BEFORE Thomas Prence, Go ^u ,	Wilkam Bradford,
John Alden,	Thomas Hinckley,
Josias Winslow,	John Freeman, and
Thofn Southworth,	Nathaniell Bacon,
	Assistants, &c.

JOHN BARNES complained against John Dotey, in an action of  trespass on the case, to the damage of five pounds, for mowing of his meddow, and making vse of the hay, without his order.

1667.

2 July.
PART I.

The jury find for the plaintiffe twenty five shillinges damage, and the cost of the suite.

A review was graunted of this suite to defendant.

M^r John Barnes complained against Ensigne John Haward, in an action of the case, to the damage of five pounds and nineteen shillinges, for non payment of a debt of four pounds fourteen shillinges and ten pence.

The jury find for the defendant.

M^r Constant Southworth, Treasurer, complaineth, in the behalfe of the collonie, against M^r Steuen Paine and John Allin, of Rehoboth, in an action of the case, to the damage of two hundred pounds, for non payment of the sūme of one hundred pounds due, as appeers by bill.

This was withdrawne, but the charge was payed.

The Names of the Jury.

sworne.	{	John Morton, John Rogers, Gor̄g Partrich, Thomas Whitney, Hugh Cole, Henery Wood,	}	sworne.	{	Samuell Dunham, Joseph Howland, John Tracye, Steuen Bryant, Thomas Pope, John Cobb.	}
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**Att the Generall Court holden att Plymouth the twenty ninth of
October, 1667.*

29 October.
[*128.]

BEFORE Thomas Prence, Goſs,	William Bradford,
John Alden,	Thomas Hinckley,
Josias Winslow,	John Freeman, and
Thomas Southworth,	Nathaneel Bacon,
Assistants, &c.	

JOHN BRYANT, Seni^r, complained against Wiltam Randall, Seni^r, in an action of slaunder and defamation, to the damage of one hundred pounds, for publickly charging and accusing the said Bryant vnto authoritie for

1667.

29 October.
PART I.

suspision of takeing away planks of the said Randalls in a felonious way, and for charging the said Bryant for wronging and cheating him in the diuision of planks.

The jury find for the plaintiffe the sume of fifteen pounds, in case the defendant doe make an acknowldgment to the satisfaction of the Court, or otherwise the sume of twenty pounds, and the cost of the suite.

Att this Court, Wiltam Randall, Seni^r, did acknowledge before the Court that hee hath don John Bryant, Seni^r, wronge, in the charges enserted in this action, and saith hee is sorry for it, especially in reference to the charge of fellonie, and desireth him to pase it by.

Att this Court, John Williams, Juni^r, complained against Thomas Summers, in an action of the case, to the damage of one thousand pounds, for intollerable trespas, in wronging and abusing the said Williams, by inticing his wife from him, and for vnlawfull dalliance with her, tending to, if not making of the said Summers guilty of adultery ; for wheras there was a child begotten vpon the wife of the said Williams, it appeers to be begotten by the said Summers.

The action next aboue entered came not to a tryall by a jury, but the p^ties came to an agreement, as followeth : —

These are to informe this honored Court and jury, and all other psons whom it doth or may concerne, that wheras I, John Williams, Juni^r, hath charged Thomas Summers for wronging and abusing mee, by inticing my wife from mee, and for vnlawfull dalliance with her, and for begetting of a child by or vpon her, all which, together with all other surmises or charges to that purpose, or of that nature, I doe cleare, acquite, release, and discharge the said Summers ; and wee, John Williams and Thomas Summers, doe oblige our selues vnto each other in the forfeiture of fve hundred pounds by any suite of law, not to trouble or vex each other in or about these matters afor said, nor nothinge tending nor relateing thervnto ; and alsoe wee doe further oblige our selues, each to other, in the forfeiture of fve hundred pounds starling, to stand to the award of Peregrine White and Robert Marshall, as to the said Summers imprisonment, charges, cost of Courts in or about the p^rmisses, in this collonie, and alsoe to pay according to time and specy ; and if that the said Marshall and White doe not agree, then wee empower them to choose a third man, and if that they cannot agree, then the Court to choose the third man, and if two of the three doe agree, this to be binding and legall. Alsoe I, John Williams, and I, Elizabeth Williams, as to the former thinges, where it doth or

may concerne vs, wee doe likewise release and discharge each other aforesaid from all matters expressed in this paper, and noe other matters or thinges. The award aforesaid to be giuen in within a month.

1667.

29 October.

PART I.

JOHN WILLIAMS,
The  marke of ELIZABETH WILLIAMS,
THOMAS SUMMERS.

Plymouth, Nouember first, 1667.

Wee, vnderwritten, doe release, discharge, and acquit each other from all suites, actions, judgment or judgments, and execution or executions, that wee haue att any time or times obtained against each other at Boston Court; as witnes our hands, Nouember the second, 1667.

JOHN WILLIAMS,
THOMAS SUMMERS.

Testate,

Constant Southworth,
Nathaniel Morton.

*The Award of Leiftenant Peregrine White and M^r Robert Marshall, concerning the Suite comēced by John Williams against Thomas Summers, last before mentioned.

[*129.]

Wheras John Williams, Juni^r, and Thomas Summers did voutentarily and freely bind and engage themselues, in the penalty and assumsett of fīue hundred pounds, to stand to the award of Peregrine White and Robert Marshall, as to the said Summers his imprisonment, charges, cost of Court relateing to an action comēced by the said Williams against the said Summers, att the Court held att Plymouth, October, 1667, the said Peregrine White and Robert Marshall not agreeing in their determination in reference to the p^rmises, nor yett agreeing about the choise of a third p^rson, — therfore, according to the aforesaid agreement, the honored Court for the jurisdiction of N. Plymouth did choose and apppoint Gorge Watson, of Plymouth, aforesaid, to be the third p^rson to agree with the aforesaid Peregrine White and Robert Marshall, or either of them, in and about the p^rmises, the said instrument wherby wee were impowered, as aforesaid, bearing date Nouember the first, 1667, being subscribed by the said John Williams and the said Thomas Summers, and in open Court deliuered as their free acte and deed, and is on file in the records of the said Court: our award and finall determination to the p^rmises is as followeth, viz^t, — That the said Thomas Summers shall pay, or cause to be payed, vnto the said John Williams, or his assignes, thirty shillings, att or before the second day of January next ensueing the date heerof,

1667.

29 October.
PART I.

to be payed in currant countrey pay, att prise current. And the said John Williams shall pay, or cause to be payed, vnto the said Thomas Sumers, or his order, the sume of forty and three pounds twelue shillings and six pence, the one half to be payed att or before the second day of January next ensuing the date heerof, in wheat, barley, and porke, to be deliuered att Scittuate, att prise current; and the other halfe to bee payed in current countrey pay, att prise current, to be deliuered att Scittuate, to the said Thomas Summers, or his order, betwixt this date and the fifteenth day of Aprill, 1668. In witnes that this is our full and finall determination and award in reference to the p̄mises, wee haue heervnto sett our hands this second day of Nouember, anno Dom̄i one thousand six hundred sixty and seauen.

Further aded, that the aforesaid sumes to be deliuered att the house of the aforesaid John Williams, att Scittuate.

PEREGRINE WHITE,
GORGE WATSON,
ROBERT MARSHALL.

Witnes heervnto,
The marke  of Jonas Barrett,
Nathaniel Morton.

John Palmer, Juni^r, complained against John Siluester, in an action vpon the case, to the damage of ten pounds, for carrying away hay of the said Palmers off his meddow land.

The jury find for the plaintiffe fifteen shillings, and the cost of the suite.

Joseph Randall complained against Robert Stanford, in an action vpon the case, to the damage of ten pounds, for non p̄formance of worke in sawing according to agreement. This was withdrawne.

Humphery Turner complained against Abraham Sutliffe, in an action on the case, to the damage of twenty pounds, for treaspasing the said Turner, by mowing his meddow, and carrying away his grasse of from the said Turners meddow, which was cutt by the said Turners order. The jury find for the plaintiffe twenty shillings, and the cost of the suite.

[*130.]

*Mr Constant Southworth, Treasurer, in the behalfe the countrey, complained against John Williams, Juni^r, or, for want of him, against John Williams, Seni^r, or Edward Williams, of Scittuate, for the said John Williams, Juni^r, the forfeiture of a bond bearing date the 23 of October, 1666, wherein hee stands bound vnto the Go^{vt} and Court of Plymouth in the just sume of twenty pounds p^r annum, to pay, or cause to be payed, vnto Elizabeth, his wife, the sume of ten pounds yearly, for and towards her

yearly maintainance ordered by the Court, which hee neglecteth to satisfy according to the said order and obligation.

1667.

29 October.
PART I.

The jury find for the plaintiffe the forfeiture of the bond and the cost of the suite.

Captaine James Cudworth, M^r Joseph Tilden, and Cornett Robert Studson doe complaine against John Williams, Juni^r, in the behalfe of the towne of Scittuate, in an action on the case, to the damage of seauenteen pounds, for that the said Williams doth neglect or refuse to satisfy the penaltie or forfeiture, which by the neglect or breach of the towne order is due vnto the towne from the said Williams, which towne order doth respect the giueing in securitie, to discharge the towne of such psons as any pson shall harbour, entertaine, and retaine, without the approbation of the towne. The jury find for the defendant.

M^r Thomas Clarke complained against Daniell Winge, administrator to the estate of Thomas Ewer, late of Barnstable, in an action of the case, to the damage of thirty pounds, for non payment of a debt of twenty three pounds, and all money due vnto him from the said Ewer.

The jury returned a non lequett, signed by their foreman, M^r Josias Winslow.

The Names of the Jury.

sworne.	{	M ^r Josias Winslow, Seni ^r ,	}	sworne.	{	Samuell Edson,	}
		William Hoskens,				Sarjeant Ephraim Tinkham,	
		Thomas Whitney,				Arther Harris,	
		Thomas Doged,				Samuell Dunham,	
		Ensigne John Haward,				John Wadsworth,	
		John Rogers,				Joseph Howland.	

**Att the Court held att Plymouth the fift Day of March, 1667.*

1667-8.

BEFORE Thomas Prence, Go^u,
John Alden,
Josias Winslow,
Thomas Southworth,

William Bradford,
Thomas Hinckley,
John Freeman, and
Nathaniel Bacon,

Assistants, &c.

5 March.

[*131.]

THOMAS SUMMERS complained against Ensigne John Williams, in an action of the case, to the damage of five hundred pounds, for that the

1667-8. said Williams hath not pformed an award giuen against him by Leiftenant
 Peregrine White, Mr Robert Marshall, and Gorge Watson, whervnto hee
 stands bound to the vallue aboue mensioned, bearing date Nouember the first,
 1667.

5 March.
 PART I.

The jury find for the plaintiffe the forfeiture of the bond of five hundred pounds.

Judgment was graunted by the Court, according to the verdict.

Ensigne John Williams complained against Mr Thomas Summers vpon the forfeiture of a bond of five hundred pounds, for that the said Summers, contrary to his engagement, wherunto hee stands bound vnto the said Williams to the vallue aboue mensioned, bearing date Nouember the first, 1667, hath vexed him in a suite of law, in or about those matters, or something tending or relateing thervnto.

The jury find for the defendant.

In reference vnto the aboue written actions as to a full and final issue of all matters relateing thervnto, the following acquittance and discharge was drawne up and signed and sealed by the aboue said Ensigne John Williams, and witnessed by seuerall gentlemen whoe were attornyes for both pties, whose names are alsoe subscribed thervnto, and accordingly ordered to be recorded, as followeth:—

These witnesseth that I, John Williams, Junr, of Scittuate, yeoman, doe by these psents acquite and discharge Thomas Summers, late of the same towne of Scittuate, marriner, of and from all differences, whether concerning Elizabeth, my reputed wife, or whatsoever else; alsoe of and from all actions and causes of actions that are or might haue bine, together with all bonds, bills, debts, awards or arbetrations, judgments, executions, together with all controuersyes whatsoever, from the begining of the world to this day; all which the pmises I doe on the behalfe of my selfe, my exequitors, adminestrators, and assignes. In wtnes of all which the pmises, I haue heervnto sett my hand and seale. Dated in Plymouth the sixt day of March, 1667.

JOHN WILLIAMS, and a

Seal.

Signed, sealed, and deliuered before vs.

Richard Callicott,
 Edward Denison,
 Robert Marshall,
 Josias Hobart.

This was deliuered in open Court, att Plymouth, the day and yeare 1667-8.
 aboue written, after the said Williams was released from being a prisoner.

5 March.
 PART I.

As attesteth, NATHANIEL MORTON, Secre^{ta}.

The Names of the Jury that tryed the aboue written Actions.

sworne.	{	William Paybody,	}	sworne.	{	Samuell Sturtivant,	}
		John Tompson,				Thomas Tilden,	
		John Tracye,				Ensigne Jonathan Alden,	
		Henery Wood,				Samuell Ryder,	
		Gilbert Brookes,				William Foard, Juni ^r ,	
		Andrew Ringe,				William Swift.	

*Nathaniell Thayer, and Abigaill, his wife, complained against John Smith, Seni^r, and Lydia, his wife, in an action of defamation and slaunder, to the damage of two hundred pounds, for that the said Smith, and Lydia, his wife, hath reported, and that often, that Abigaill, the wife of the said Thayer, hath stolen seuerall of their goods, and that they haue lost goods to the vallue of fve pounds. [*132.]

Both of Taunton.

The pties agreed after the jury was impaneled, before the case was pleaded to.

John Allin, of Rehoboth, complained against William Blackston, in an action of the case, to the damage of twenty pounds, for molesting him, the said John Allin, in pulling vp his fence, and destroying his hog.

The defendant did not appeer.

Humphery Turner, John Bryant, Seni^r, and John Turner, Seni^r, some of the ancient inhabitants of the towne of Scittuate, did complaine against John Silvester and Joseph Berstow, in an action of treaspas on the case, to the damage of fve pounds, for makeing vse of their interest by working vpon timber on the vndeuided land of the towne of Scittuate. The jury find for the plaintifves ten shillings damage, and the cost of the suite.

A review was graunted to the defendants.

William Hailstone complained against Gorge Hall, William Harvey, and Richard Williams, as celectmen of the towne of Taunton, in an action of the case, to the damage of fifty pounds, for non pformance of a towne order of the towne of Taunton aforesaid, bearing date the 9th of September, 1667, respecting land due to him vpon deuision, as being an ancient purchaser. The jury find for the plaintiffe his proportion of land due to him, as

1667-8. appears by theire towne orders, twelue pence damage, and the cost of the suite.

5 March.
PART I.

A review was graunted to the defendants of this action.

The names of the jury that tryed the last aboue named were, —

sworne.	$\left\{ \begin{array}{l} \text{William Paybody,} \\ \text{John Tompson,} \\ \text{John Tracye,} \\ \text{Thomas Tilden,} \\ \text{Henery Wood,} \\ \text{Gilbert Brookes,} \end{array} \right\}$	sworne.	$\left\{ \begin{array}{l} \text{Andrew Ringe,} \\ \text{Samuell Sturtivant,} \\ \text{Samuell Ryder,} \\ \text{Ensigne Jonathan Alden,} \\ \text{William Swift,} \\ \text{William Foard, Junir.} \end{array} \right\}$
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Memorandum : that in the action aboue written, wherin Humphery Turner, John Bryant, Seni^r, and John Turner, Seni^r, are plaintiffes against Joseph Silvester and Joseph Barstow, that Edward Jenkins and Hugh Cole serued, and Gilbert Brookes and Samuell Sturtivant serued not.

1668. *Att the Generall Court of his Ma^{tie} holden att Plymouth in New
England the seauenth of July, 1668.

7 July.

[*133.]

BEFORE Thomas Prence, Esq ^r , Gof ^r ,	William Bradford,
John Alden,	Thomas Hinckley,
Josias Winslow,	John Freeman, and
Thomas Southworth,	Nathaniell Bacon,
Assistants, &c.	

M^R CONSTANT SOUTHWORTH, Treasurer, complained against John Williams, in a mixed action of the case, for the forfeit of a bond of twenty pounds, for non payment of the sume of ten pounds due vnto Elizabeth, the wife of the said Williams, for and towards her yearly allowance ordered by the Court ; and likewise for non payment of a bill of ten pound, alsoe due to the said Elizabeth Williams on the same account.

The jury find that if the tender of the defendant were legall, five pounds vpon bond to the plaintiffe, if the tender not legall, they find the bond. As to the bill, they find for the plaintiffe a barrell of porke, according to the bill, and the cost of the suite.

The Court did not then expresse themselues that they doe not judge it to be a legall tender, inasmuch as the defendant did not attend vntill the day was fully ended.

William Swift complained against Stephen Skiffe, in an action of the case, to the damage of ten pounds, for non performance of a bargain respecting a boate with a paire of oares sold vnto him by the said Skiffe.

1668.

7 July.
PART I.

The jury find for the plaintiffe five shillings damage, and the cost of the suite.

Mr Mathew Mahew complained against Leiftenant John Ellis, in an action of treaspas on the case, to the damage of twelue pound, for detaining a cow sundry yeares from him, which the said Mahew, his agent, bought for him of one John Ewen.

The jury find for the plaintiffe a sufficient good cow, of a reasonable stature, and not exceeding eight yeares old, and three pound damage, and the cost of the suite.

Edward Gray complained against Joseph Ramsden, in an action of the case, to the damage of fourteen pound and ten shillings, for the non payment of the sume of nine pound and ten shillings due vpon bill.

The jury find for the plaintiffe nine pound and ten shillings due vpon bill, ten shillings damage, and the cost of the suite.

John Doged complained against Gorge Robinson, in an action of slaunder and defamation, to the damage of an hundred pound, for saying the said John Doged did intice and pswade his daughter, Mary Robinson, and proffer her money to lye with her.

The jury find for the plaintiffe five pound, and the cost of the suite ; and an acknowledgmet to the Courts satisfaction ; and the same acknowledgmet att home, vpon a training day, in the head of the companie, or else they find thirty pound, and the cost of the suite.

Att the said Court the said Robinson did make an acknowledgmet before the Court to theire satisfaction, as is aboue expressed, and engaged to make the like acknowledgmet att home att the head of the companie. See this acknowledgmet att the foot of the third page following.

Joseph Turner complained against John Bryant, Seni^r, in an action of the case, to the damage of four pounds, for illegally detaining of two testimonies belonging to the said Joseph Turner.

Joseph Turner complained against John Bryant, Seni^r, and Sarah Bryant, the daughter of the said John Bryant, for that the said Sarah Bryant refused

1668.

7 July.
PART I.

or neglected to appeer at the Court held att Plymouth aforsaid in March last past, testate the date heerof, being legally su^moned to appeer att the said Court, to giue euidence in the case then depending betwixt Hester Wormal, plaintiffe, against the said Joseph Turner, defendant.

[*134.]

*Anthony Dodson, and Mary, his wife, whoe is the daughter and sole executrix of the last will and testament of John Williams, deceased, did complaine against Edward Williams, their brother, in an action of the case, to the damage of two hundred pounds, for detaining of so^m p^{te} of the estate of the aboue said John Williams, deceased, and by will bequeathed to his said daughter, and for refusing to giue an account concerning the same.

The jury find non liquett.

Robert Stanford complained against Samu^{el} Palmer, in an action on the case, to the damage of fifty pound, for vnjustly molesting the said Stanford, and causing him to be apprehended as a felon, and defaming him by carrying him before authoritie, and alsoe charging him, the said Stanford, with feloniously takeing goods of the said Palmers.

The jury find for the plaintiffe ten pounds, and a publicke acknowledg^{ment} to the Courts satisfaction, or else fifteen pounds and the cost of the suite.

Joseph Turner complained against Thomas Perrey, in an action of defamation and slaunder, to the damage of forty pounds, for reporting that the said Joseph Turner was a rogue, and a beggarly rogue, and for further defaming of him, the said Joseph Turner, by giueing of an vnrighteous or illegall testimony in the Court of Plymouth, in reference to the said Turners striking of the said Perrey.

The jury find for the plaintiffe the su^me of twenty shillings, and the cost of the suite, and an acknowledg^{ment} to the Courts satisfaction, or forty shillings, and the cost of the suite.

Joseph Turner complained against Thomas Perrey, in an action of the case, to the damage of ten pounds, for that the said Perrey neglected to giue testimony in a case depending betwixt Hester Wormal, plaintiffe, against the said Joseph Turner, defendant, att the Court held att Plymouth in March last past before the date heerof, being legally summoned to giue the said euidence.

The jury find for the plaintiffe ten shillings damage, and the cost of the suite.

Samuell Hiland complained against Joseph Turner, in an action of the case, for debt, to the damage of fourteen pounds, for non payment of three thousand of boards, due to the said Samuell from the said Joseph the first day of May last past, according to a bill for that purpose made the thirteenth of September, 1667.

1668.

7 July.
PART I.

The jury find for the plaintiffe his bill according to the species, twenty shillings damage, and the cost of the suite.

M^r Constant Southworth, Treasurer, complained against Captaine James Cudworth and Nathaniel Turner, in an action of the case, to the damage of ten pounds, for the non payment of the sume of five pounds, due to the countrey.

This suite was withdrawne after the jury was impaneled.

*M^r John Winslow complained against Ralph Smith, in an action of the case, to the damage of eighty pounds, for non payment of a debt of thirty nine pounds due vpon bill.

[*135.]

The jury find for the defendant the cost of the suite.

The Names of the Jury that tryed these Suites.

sworne.	{	Mr Josias Winslow, Seni ^r ,	}	sworne.	{	Gorge Bonum,
		William Hoskins,				Francis Combe,
		Steuen Bryant,				Ensigne Jonathan Aldin,
		Samuell Ryder,				Gorge Partrich,
		John Bourne,				John Bryant,
		Hugh Cole,				Marke Snow.

Memorandum: that in the action wherein John Doged is plaintiffe against Gorge Robinson, John Bryant and Marke Snow were excepted against, and Stephen Skiffe and Jonathan Morey serued in their stead, as likewise in the actions of Joseph Turner against Perrey, & in Hiland against Turner aforesaid, and in the action of M^r John Winslow against Ralph Smith; alsoe it is to be remembred that, in this case last aboue mentioned, Captaine James Cudworth was forman in the stead of M^r Josias Winslow, Seni^r; and soe with these exceptions the jury aboue named serued in all the aboue recorded actions which were tryed att this Court.

The Acknowledgment of Gorge Robinson, of Rehoboth.

I, Gorge Robinson, acknowledge I haue done John Doged wronge, in speaking words that tend to his defamation, for which I am sorry, and I had

1668. not ground soe to report him in the case now depending in the Court, and therefore desire him to passe it by.

7 July.

PART I.

This acknowledgiment relates to a suite comēced by John Doged, of Rehoboth, against the abouenamed Gorge Robinson, of which see three pages backward in this booke.

25 October. **Att the Court of his Ma^{tie} holden att Plymouth the 25th of October, 1668.*
[*136.]

BEFORE Thomas Prence, Goſſ,	William Bradford,
John Alden,	Thomas Hinckley,
Josias Winslow,	John Freeman, and
Thomas Southworth,	Nathaniel Bacon,
Assistants, &c.	

This was non suited, because that the said Mercye Bartlett was found vnder couert barred.

JAMES CLARKE complaineth against Sarah Barlow and Marcy Bartlett, in an action of slaunder and defamation, to the damage of two hundred pounds, for reporting that they saw the said James Clarke kisse his mayde, and vse other vnciuill carriages that hee acted towards her in the feild vpon the Lords day.

This was refered to be ended by the majestrates by mutuall consent of each of the p̄ties, whose determination and judgment is as followeth : —

In reference to the complaint of James Clarke against Sarah Barlow and Marcy Bartlett, for defaming him, in makeing reports of vnseemly familiaritie between him and his mayde, the Court, haueing fully considered the matter, and compared the testimony relating thereto, and takeing notice how the p̄ties that haue charged him haue, one or both of them, said and vnsaid or greatly varied in their relations about it, doe declare, that wee judge they haue defamed and slaundered him therein, because the thinge charged by them doth in noe measure appeer by testimonie ; and alsoe their way of devoulging it was manifestly scandalous, although there had bine some appeerances of truth in their report ; and therefore for this their misdemeanor doe amerce them ten shillings apeece to the Kinge.

This action was non suited.

Edward Williams complained against William Peakes, in an action of treaspass, to the damage of four pounds, for cuting or carrying, or causing to be cutt or carryed away, the grasse and hay of from a lott of meddow lying between Hoopole Necke and the Farme Necke at Conihassett, which meddow formerly did belong to John Williams, Seni^r, deceased.

Isacke Chettenden complained against Samuell Hieland, in an action of slaunder and defamation, to the damage of an hundred pounds, for that the said Hieland did report and say that the said Chettenden had taken a false oath.

1668.

25 October.

PART I.

Isacke Chettenden non suited.

This was put to reference by consent of both parties.

Samuell Smith complained against Steuen Merick, in an action of the case, to the damage of twelue pounds, for takeing of his horse and riding of him contrary to his order, and without his leaue, so that the horse is dead.

This review is, that wheras Ensigne John Williams complaineth of wrong that hee sustaineth by a suite comēced against the said Williams by Mr Constant Southworth, att the Court held att Plymouth on the first Tusday of July last past before the date heerof, wherein hee obtained a verdict and judgment against the said Williams, and principally in reference to the forfeiture of a bond of twenty pound, for non payment of ten pounds to Elizabeth Williams, his wife.

John Williams non suited in this review.

*Leiftenant John Freeman complained against Thomas Starr, in an action of the case, to the damage of thirty pounds, for non pformance of a bargain of worke according to time and manor, and likewise for the non payment of fve pound and ten shillings, as doth appeere due vpon bill vnder his hand.

[*137.]

Non suited.

Anthony Dodson, and Mary, his wife, as sole exequitrix vnto her late deceased father, John Williams, Seni^r, doe complaine against Edward Williams, theire brother, in an action of the case, to the damage of one hundred pounds, for detaining a pte of the estate of the said deceased John Williams, by will bequeathed to his said daughter.

Non suited.

Mr Constant Southworth, Treasurer, in the behalfe of Mr John Winslow, of Boston, complaineth against Ralph Smith, in an action of the case, to the damage of sixty nine pounds, for non payment of a debt of thirty five pounds two shillings and two pence farthing due vpon bond.

Non suited.

Mr Constant Southworth, Treasurer, complaineth against Robert Eldred, of Mannamoiett, in the liberties of Eastham, in an action of the case, to the damage of thirty pounds, for neglecting to satisfy a debt of twenty pounds, due from the said Eldred to the said Treasurer.

The jury find for the plaintiffe his debt according to the bill, fifty shillings damage, and the cost of the suite.

1668.

25 October.

PART I.

This action was
withdrawne
after the jury
was impan-
nelled.

John Allin, of Swansey, complained against Mr Wiltam Blackston, in an action of the case, to the damage of thirty pounds, for pulling vp and burning his fence, and destroying of his hay, and molesting of him, that hee cannot enjoy his land in peace.

The Names of the Jury.

sworne.	{	John Morton,	}	sworne.	{	Serjeant Ephraim Tinkham,	}
		John Rogers,				Thomas Tobey,	
		John Finney,				Gyles Rickard, Junr,	
		Mr Josias Standish,				John Tracey,	
		Samuell Strivant,				John Washbourne,	
		Steuens Vinall,				Joseph Howland.	

[*139.]

*Captaine Nathaniel Thomas complained against Timothy Williamson and Mr Samuell Arnold, both of Marshfeild, in an action on the case, for treaspas, to the damage of two hundred pounds, for entering into and detaining forcibly a certaine p̄sell of land lying on the easterly syde of Greensharbour Freshett, neare the bridge that leadeth ouer the said freshett from the said Captaine Thomas his land, which is com̄only called and knowne by the name of the minnestres p̄lott land, and the said Captaine Nathaniell Thomas being lawfully seized therof.

The jury find for the plaintiffe fifty shillings damage, and the cost of the suite, further explained thuse : that is to say, that the damage ariseth vpon the treaspas on the vpland, not meddleing with the title of the meddow.

Mr Josias Winslow, Seni^r, of Marshfeild, complaineth against Mr Kanelme Winslow, his brother, of the same towne, in an action of the case, to the damage of an hundred and fiue pounds, for that the said Kanelme continueth to molest him, the said Josias, in his just right, in reference to a p̄sell of meddow, in the said towne, lying between the vpland of the said Kanelme and a p̄sell of land com̄only called Saddlers Point, notwithstanding all amicable meanes vsed by the said Josias to prevent. The jury find for the defendant.

A review of this action was graunted to the said Josias Winslow.

The Names of the Jury.

sworne.	{	Wiltam Paybody,	}	sworne.	{	Moses Simons,	}
		Benjamin Bartlett,				Phillip Delano,	
		Mr Allexander Standish,				Ensigne Aldin,	
		Henery Sampson,				John Sprague,	
		Isacke Chettenden,				Benjamin Church,	
		Gilbert Brookes,				Samuell Hunt.	

Att this Court, John Doged, of Rehoboth, hauing bine p̄sented for vnciuill carriages to Mary Robinson, of Rehoboth, did put the said p̄sentment on a trauisse, and was by Court and jury cleared.

1668.

25 October.
PART I.

The Names of the Jury.

sworne.	{	Mr Josias Winslow,	}	sworne.	{	Nathaniel Thomas,
		Wiltam Paybody,				Benjamine Church,
		Josias Cooke,				Edward Gray,
		John Morton,				Wiltam Palmer,
		Benjamine Bartlett,				Jonathan Winslow,
		Arther Haris,				Joseph Dunham.

**Att the Court of his Ma^{tie} held att Plymouth the 2^{cond} of March, 1668-9.*
Anno Doñi 1668.

2 March.

[*141.]

BEFORE Thomas Prence, Goð,
John Alden,
Josias Winslow,
Thomas Southworth,

Wiltam Bradford,
Thomas Hinckley,
John Freeman, and
Nathaniel Bacon,

Assistants, &c.

WHERAS, att the Court of his ma^{tie} held att Plymouth, the 25th of October, 1668, M^r Josias Winslow, Seni^r, of Marshfeild, comēced suite against M^r Kanelme Winslow, his brother, of the same towne, in an action of the case, to the damage of an hundred & fiue pounds, for that the said Kanelme continues to molest him, the said Josias, in his just right, in reference to a p̄cell of meddow in the said towne, being between the vpland of the said Kanelme and a p̄cell of vpland comōnly called Saddlers Point, notwithstanding all amicable meanes vsed by the said Josias to preuent, —

Att the request of the plaintiffe, a review of the said action was graunted to be att this Court, but was withdrawne before the Court.

Captaine Thomas Willett complained against M^r John Doged and John Meller, in an action of treaspas on the case, to the damage of fiue pounds, for makeing and carrying away a p̄cell of hay of from the meddow of the said Captaine Willett, in the lower Skesett, the last hay season, without his leaue and order.

This action was
withdrawne.

1668-9.

2 March.
PART I.

John Smith, John Russell, and Samuell Hicke complaine against John Cooke, of Dartmouth, in an action of the case, to the damage of one hundred pounds, for that the said Cooke hath vnjustly molested them, in causing them by summons twise to attend the Court as delinquents, but proued nothing as just cause of complaint against them, therby defaming them in their names, and occasioning their great expence and trouble.

The jury find for the plaintiffes fifty shillings damage, and the cost of the suite.

Judgment was graunted, according to the verdict.

Henery Cole complaineth against Joseph Holley, adminestrator to the estate of Trustrum Hull, late of Barnstable, deceased, in an action of the case, to the damage of twenty pounds, for non satisfaction made by the said adminestrator vnto the said Cole, for the damage hee hath sustained by reason of the said Trustrum Hulls non deliury of a colt to the said Cole, bought of him, and payed for sundry yeares since.

The jury find for the plaintiffe nine pound damage, and the cost of the suite.

[*142.]

*March, 1668. Robert Latham complaineth in the behalfe of him selfe and Sussanna, his wife, against Arther Harris, in an action of slaunder and defamation, to the damage of an hundred pounds, for that the said Harris hath reported that the wife of the said Latham bought fish of the Indians on the Lords day.

The jury find noe ground for this suite.

Anthony Dodson, and Mary, his daughter, and sole exequitrix to John Willia^m, Seni^r, deceased, doe complaine against Edward Williams, their brother, in an action on the case, to the damage of one hundred pounds, for that the said Edward hath in his posession a p^{te} of the estate of John Williams, her deceased father, which hee detaineth, and refuseth to giue an account off.

Judgment was
graunted by the
Court, accord-
ing to the ver-
dict.

The jury find for the plaintiffe forty one pound fifteen shillings, which doth appeer in the hands of Edward Williams, and forty shillings damage, and the cost of the suite.

The Oath of Edward Williams, taken before the Court, as followeth:—

Edward Williams, aged fifty yeares, or therabouts, testifieth, that four or fve yeares agoe, (as I remember,) James Nash, of Weymouth, receiued three cattle of my fater, viz^s, two coves, and one steer, or ox, which said cattle I

droue alonge with mine, by my fathers order, to James Nash, of Weymouth, 1668-9.
and left with him; and further saith not.

2 March.
PART I.

Isacke Chettenden, Seni^r, of Scittuate, complaineth against Samuell Hyland, in an action of slaunder and defamation, to the damage of forty pounds, for that the said Hyland did say and report that the said Chettenden was forsworne, and had taken a falce oath against him in the Court att Scittuate, which words were spoken by the said Hiland séuerall times since the last June Court.

The jury find for the plaintiffe thirty pounds damage, and the cost of the suite.

Leiftenant Peregrine White, of Marshfeild, complaineth against Benjamine Higgins, of Eastham, in an action of the case, to the damage of sixteen pounds, for not paying a debt due to him, the said White, or his assignes, for a boate bought of him, the said White, the said debt being due, and to be payed the fifteenth of Nouember last past.

The p^rties
agreed, and the
action with-
drawne.

John Mocoy complaineth against Jeremiah Howes, in an action of treaspas on the case, to the damage of ten pounds, for takeing vp the horse of the said complainant without his leaue or order, and for detaineing the said horse from him.

This action was nonsuited, because the letter of attorney, by the plaintiffe, made to Elisha Hedge, was found to be illegall.

March, 1668. Thomas Huckens, in the behalfe of M^r Thomas Clarke, of Boston, late of Plymouth, complaineth against Morgan Jones, in an action of the case, to the damage of forty pounds, for non payment of a debt of twenty one pounds and odde moneyes, due to the said Thomas Clarke from the said Morgan, as appeers p^rtely vpon specialty, and p^rtely vpon account.

The jury find for the plaintiffe twenty one pound one shilling and thripence, as appeers by bill and account, twenty shillings damage, and the cost of the suite.

Wheras Increase Clapp, of Barnstable, formerly obtained an attachment vpon the goods of Morgan Jones, of Barnstable, for better cecuritie of a debt due vnto the said Clapp, as appeers by bill, and the said debt being now due, and hee remaining as yett vnpayed, the said Increase Clapp complaineth against Morgan Jones, in an action of debt, to the damage of twenty pounds, for non payment of a debt of fourteen pounds seauenteen shillings and ten pence, as appeers by bill.

The jury find for the plaintiffe the bill of fourteen pounds seauenteen shillings and ten pence, fiue shillings damage, and the cost of the suite.

1668-9.

2 March.
PART I.

Elkanah Johnson complaineth against Morgan Jones, in an action of the case, to the damage of nine pounds, for non payment of a debt of five pounds, due to the said Johnson from the said Jones.

The jury find for the plaintiffe six pound and two shillings damage, and the cost of the suite.

In refēnce vnto seuerall debts due from the estate left by Morgan Jones, brought to tryall att this Court, viz^s, vnto M^r Barnabas Laythorpe, a debt due from the estate of the said Morgan Jones, for which a p^{te} of this his estate was bound ouer & morgaged vnto him, pleaded to att this Court by M^r Thomas Hinckley, in the said Barnabas Laythorpes behalfe; and a judgment of twenty one pound one shilling and threepence, twenty shillings damage, and the cost of the suite, awarded vnto M^r Thomas Clarke, of Boston; and a judgment of fourteene pounds seauenteen shillings and ten pence, five shillings damage, and the cost of the suite, awarded vnto Increase Clapp, of Barnstable; and a judgment of six pound and two shillings damage, and the cost of the suite, awarded to Elkanah Johnson, of Barnstable.

The Court haue ordered, that first, the charges and costs of the seuerall suites aboue named be discharged, and then that each one shalbe satisfied according to their proportions out of the said estate, soe farr as it will extend, according to the specue in which the said debts were engaged to be paid.

[*145.] *March, 1668. Att this Court, Mary Crisp, of Eastham, appeered to answare her p^sentment for seuerall wanton and vnciuill carriages towards seuerall psons.

The said Mary Crisp putt this p^sentment vpon a trauiſe, and was cleared therof by the jury.

Likewise att this Court, John Bryant, of Plymouth, appeered to answare his p^sentment for vnciuill carriages towards Mary Crisp, of Eastham.

The said John Bryant did likewise putt this p^sentment vpon trauiſe, and was cleared therof by the jury.

The names of the jury that tryed the actions comēced att this Court, and that went on trauiſe of the p^sentments aboue named, are as followeth:—

sworne.	{ John Tompson, Andrew Ringe, Gorge Bonum, M ^r Joseph Bradford, James Skiffe, Micaell Blackwell, }	sworne.	{ James Clarke, Thomas Tobey, Hugh Cole, John Aimes, Edward Dotey, John Rogers. }
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Att the Court held att Plymouth the sixt of July, 1669.

1669.

BEFORE Thomas Prence, Esq ^r , Go ^v ,	Willam Bradford,
John Alden,	Thomas Hinckley,
Josias Winslow,	John Freeman, and
Thomas Southworth,	Nathaniel Bacon,
Assistants, &c.	

6 July.
PART I.

M^R JOHN WINSLOW complaineth against Ralph Smith, of East-ham, in an action of the case, to the damage of fifty pounds, for non payment of a debt of thirty nine pounds two shillings and two pence farthing due to the said John Winslow from the said Ralph Smith.

The jury find for the plaintiffe his debt of thirty nine pound two shillings two pence farthing, nine pound damage, and the cost of the suite.

Judgment was graunted to the plaintiffe according to the verdict.

John Allin, Seni^r, of Swansey, complaineth against M^r Willam Blackstone, in an action of the case, to the damage of twenty pounds, for molesting him in his just rights, by spoyleing of his grasse, pulling vp of his fence, and destroying of his hay vpon his land, which hee had of the countrey lying on the westerly syde of the western plaine from the said Willam Blackstons, which was done in the latter end of Nouember, in the yeare 1667. The jury find for the plaintiffe six pounds damage, and the cost of the suite. Judgment was graunted to the plaintiffe, according to the verdict.

*Richard Sarson complaineth against Nicholas Butler, of Martins Vineyard, in an action of the case, to the damage of twelue pounds, for killing or desposing of a steer which belonged to the wife of the said Sarson, by her marke, shee being then a widdow.

[*146.]

The jury saied to this action, non liquett.

Willam Nicarson complaineth against Mattaquason Sachem, and Great Tom, and Cosen, and Will, Indians, of Mannomoitt, in an action of the case, for defaming of him by a letter that was deliuered vnto the Court, dated the 19th of October, 1666, in which writing was declared diuers accusations, whereby hee was defamed, to his great damage, as it appeers in the writing that was deliuered by Josias Cooke, that then and there testified that it was the Indians complaint, and the sagamore owned it in the Court the last Tusday in October, 1666. The jury sayed they saw noe ground for this action.

1669.

6 July.
PART I.

Edward Williams complaineth against Anthony Dodson, and Mary, his wife, of Scittuate, in an action of review of an action tryed at March Court last past, wherin Anthony Dodson, and Mary, his wife, as sole exequitrix of the last will and testament of John Williams, deceased, did complaine against Edward Williams, in an action of the case, for that the said Edward Williams hath in his possession a pte of the estate of John Williams, deceased, which hee detaineth, and refuseth to giue an account of.

The Names of the Jury that tryed these Actions.

sworne.	{	John Morton,	}	sworne.	{	John Tracy,	}
		Joseph Warren,				John Bourne,	
		John Rogers,				Thomas Tilden,	
		Samuell Ryder,				Benajah Pratt,	
		Samuell Sturtivant,				Joseph Howland,	
		Sarjeant Ephraim Tinkham,				John Washbourne, Junr.	

29 October.

[*147.]

**Att the Court of his Ma^{ties} held att Plymouth the 29th Day of October, 1669.*

BEFORE Thomas Prence, Esq ^r , Go ^v , and	Willam Bradford,
John Aldin,	Thomas Hinckley, and
Josias Winslow,	Nathaniel Bacon,
Thomas Southworth,	
Assistants, &c.	

LEIFTENANT EPHRAIM MORTON and Samuell Dunham, in the behalfe of the towne of Plymouth, complained against Francis Combe, Edward Gray, Samuell Ryder, Joseph Bartlett, and Jonathan Morey, in an action of the case, to the damage of thirty pounds, for non payment of twenty pounds due to the said towne for two yeares rent for lands and meddows att or neare Agawaam. The jury find for the plaintiffes twenty pounds ten shillings damage, and the cost of the suite.

Leift John Ellis complained against John Ewen, in an action of the case, to the damage of ten pounds, for non pformance of worke about a barne, according to agreement, and for not paying a debt of forty shillings, due to the said Leiftenant Ellis from the said Ewen.

The jury find for the plaintiffe eight shillings and eight pence, twelue shillings damage, and the cost of the suite.

1669.

29 October.

ART I.

Joseph Bartlett complained against Thomas Lucas, in an action of the case, to the damage of fiue pound, for non payment for two hundred and an halfe and eight pounds of beife deliuered att his house.

The jury find for the defendant the cost of the suite.

Joseph Turner, Seni^r, complained against Micaell Peirse, in an action of slaunder and defamation, to the damage of an hundred pounds, for saying that the said Joseph Turner did attempt to comitt a rape with Abigail Peirse, the daughter of the said Micaell Peirse, striueing with her vntill shee was constrained to cry out for helpe.

This withdrawne.

Charles Stockbridg, and Abigaill, his wife, complained against Joseph Turner, Seni^r, of Scittuate, in an action of defamation and slaunder, to the damage of two hundred pounds, for that the said Turner, since the begining of June last, hath reported and said that the said Charles Stockbridge is a coocally rogue, and that Abigaill, his wife, is as very a strumpett as any in New England, and that the said Abigaill is a brasen faced whore, and that her husband is a coocally raskall, and that hee would proue him soe.

Joseph Turner did before the Court owne the charges expressed in this action.

The jury found for the plaintiffe one hundred pounds damage, and the cost of the suite.

The Names of the Jury.

sworne.	{	John Tompson,	}	sworne.	{	Joseph Warren,	}
		John Bryant,				Sarjeant Ephraim Tinkham,	
		Ensigne Joseph Bradford,				Gorg Bonum,	
		Ensigne Jonathan Alden,				James Clarke,	
		John Wadsworth,				Job Bourne,	
		†Andrew Ringe,†				Wiltam Foard, Juni ^r ,	
						Jabeze Howland.	

About the last aboue named action, Sarjeant Tinkham and John Bryant were off, and Josias Cooke and Joseph Burgis in their rome and stead.

1669. **Att the Speciall Court held att Plymouth the 8th Day of December,*
1669.

8 December.

PART I.

[*148.]

BEFORE Thomas Prence, Esq^r, Go^u, and
John Aldin,
Josias Winslow,

Willam Bradford,
Thomas Hinckley, and
Nathaniell Bacon,

Assistants, &c.

This action was
non suited.

M^R JOSEPH TILDEN complained against Charles Stockbridge, of Scittuate, in an action of slaunder and defamation, to the damage of one thousand pound, for saying and reporting that Nathaniel Turner and Joseph Turner could kisse Elizabeth, the wife of the said Tilden, as ofte as they listed, and doe so^mthing else too, and that the said Nathaniel Turner knew her, the said Elizabeth Tilden, as well as her owne husband knew her.

1669-70. *Att the Court held att Plymouth the first Day of March, Anno*
Dom̃ 1669.

1 March.

BEFORE Thomas Prince, Esq^r, Go^u,
John Aldin,
Josias Winslow,
Willam Bradford,

Thomas Hinckley,
John Freeman, and
Nathaniel Bacon,

Assistants, &c.

M^R JOSEPH TILDEN, and Elizabeth, his wife, complained against Charles Stockbridge, in an action vpon the case, to the damage of one thousand pounds, for defaming the said Elizabeth, in publishing and reporting, since the first of May last past, that Nathaniel Turner could kisse the said Elizabeth as ofte as hee list, and doe so^mthing else too, and that the said Nathaniel knew the said Elizabeth Tilden as well as her owne husband knew her, wherby the said Elizabeth is defamed; and thervpon the said Joseph Tilden bringeth his action.

The jury found for the defendant.

Att this Court, Robert Ransom appeered to answare his p^sentment for

speaking wicked and reproachfull speeches against the Gou^r and majestates. 1669-70.
 The jury cleared him legally, there being but one witnes appeering against him
 in the case, altho they were pswaded that the acusation spake like vnto the
 said Ransoms language.

1 March.
 PART I.

The Names of the Jury that went on the aboue written Tryalls.

sworne.	{	John Morton,	}	sworne.	{	John Wadsworth,	}
		Willam Hoskins,				Nathaniel Thomas,	
		Gorge Watson,				Willam Swift,	
		John Tracy,				John Howland,	
		Hugh Cole,				Benajah Prat,	
		John Damman,				Samuell Hunt.	

**Att the Court of his Ma^{tie} holden att Plymouth the fift Day of* 1670.
July, 1670.

5 July.
 [*149.]

BEFORE Thomas Prence, Gou ^r , and	Thomas Hinckley,
John Alden,	John Freeman, and
Josias Winslow,	Constant Southworth,
Willam Bradford,	
Assistants, &c.	

JOSIAS COOKE, Seni^r, of Eastham, complained against Samuell Smith, of the same towne, in an action of defamation, to the damage of an hundred £, in his vttering sundry scandulus words of and against the said complainant, viz^s, that hee was an old drunken sott, an old knave, and taught his children to cheat; that hee was fitter to be a hangman then a deacon; and that hee ought not to sit as a celect man; an other place was fitter for him if hee had his deserts or due rendering; soe vile, as if hee, the said Smith, could not, by any words hee could vse, abuse him; with other reproachfull words of like nature.

The jury find that the plaintiffe is defamed by the defendant. The Court, considering the verdict, haue ordered, that both plaintiffe and defendant, each one, beare theire owne charges, and alsoe the like in reference vnto what charges each of them haue bin att the last Court respecting this controversye.

1670.

5 July.
PART I.

Whereas Nathaniel Man, of Scittuate, formerly sued his father in law, John Cowin, att the Court of the celectmen of Scittuate, for vseing and improueing his house and lands without his order, and that Court tearmed it a vexatious suite, and find not themselues in a capasitie to issue the difference althoe the said Man sued not vpon title, but for treaspas, to the damage of thirty nine shillings, and being noe way releined by the judgment of the abouesaid Court, the said Man was nessesitated to appeale from the judgment of that Court to his ma^{ties} Court held heer this day. This appeale was not pleaded to, soe as refered to the jury, but was otherwise determined. See Booke of Orders and Passages of the Court, July Court, anno 1670.

The Names of the Jury that tryed the first aboue named Action.

John Morton,	} sworne.	George Bonum,
John Rogers,		Willam Swift,
John Dingley,		James Cobb,
Jacob Cooke,		Joseph Howland,
John Wadsworth,		Jabeze Howland,
Samuel Dunham,		John Woodcocke.

29 October.
[*150.]

**Att the Court of his Ma^{tie} holden att Plymouth the 29 Day of October, 1670.*

BEFORE Thomas Prence, Esq ^r , Go ^u , and	Thomas Hinckley,
John Alden,	John Freeman,
Josias Winslow,	Nathaniel Bacon, and
Willam Bradford,	Constant Southworth,
Assistants, &c.	

M^R JOHN GORUM, of Barnstable, complained against Encrease Clapp, of Barnstable, in an action of the case, to the damage of ten pound, for causing him, the said Gorum, to send his boate to Hingham for a boate load of barke containing ten coard; the said barke being altogether vnfit for his vse, and not according to the agreement hee made with the said Clapp.

The jury find for the defendant the cost of the suite.

Captaine James Cudworth, of Scittuate, complained against John Williams, in an action of the case, to the damage of twenty pounds, for that

the said John Williams, about the latter end of hey haruest, the last yeare, 1669, vpon the Gulfe Iland, in Scittuate, being the said Cudworthes, did pull or beate downe, or cause to be pulled or beatten downe, a wigwam, or Indian house, which an Indian sett vp for his shelter, which Indian was hiered by the said Cudworth to cutt coard wood on the said iland, by which meanes the Indian was forced from his worke, and the said Cudworth disappointed of a considerable quanťy of the wood that would haue supplied his nessesitie, and the title of his land brought into question, wherby the said Cudworth comes to be damnified. The jury find for the plaintiffe fíue pounds damage, and the cost of the suite.

1670.

29 October.
PART I.

Captaine Nathaniel Thomas, of Marshfeild, in the collonie of New Plymouth, complained against M^r Samuell Arnold, of the same place, in an action of the case, for treaspas, to the damage of two hundred pounds, for entering into and detaining forcibly a certaine p̄sell of land, lying on the easterly side of Greens Harbor Freshett, neare the bridge that leads ouer the said freshett from the said Captaine Thomas his land, which land, consisting of vpland and meddow, is comonly called and knowne by the name of the Minnesters Land, the said Cap^t Thomas being lawfully seized therof. The jury find for the defendant the cost of the suite, and further declared themselues before the Court, that they find neither title to the meddow nor treaspas on the vpland sufficiently proued. And wheras the said plaintiffe complaineth that the said land giuen him by this verdict is not yett layed out to him, this Court orders the electmen of that towne to lay out the said proportion of land to his satisfaction, or otherwise to appeer att the Court to be held att Plymouth the first Tusday in March next, and to bring their towne records with them.

*Humphery Johnson, of Hingham, complaineth against Micaell Peirse, of Scittuate, as hee, the said Peirse, is agent in the behalf of the towne by an order bearing date May the 18th, 1665, or as hee, the said Peirse, is inhabitant of the towne of Scittuate, in an action of debt, to the damage of twenty pounds, for that the towne doe not pay the sūme of ten pounds due to the said Johnson, for information according to the aboue mentioned town order. [*151.]

Non suited.

M^r Josias Winslow, Seni^r, and John Dingley, being both of the towne of Marshfeild, complaineth against Captaine Nathaniel Thomas, in an action of the case, to the damage of four pounds, for disposing of four barrells of cyder, legally seized on for the rate due to M^r Arnold, and refusing to be

1670. acomptable for it vpon demand, which said cyder was seized vpon by Clement King, constable.

29 October.

PART I.

This was not pleaded to.

John Otis, in the behalfe of himself, soe farr as concerned heerin, and in the behalfe of Encrease Clapp, soe farr as hee alsoe is concerned heerin, complaineth against John Gorum, Seni^r, in an action of the case, to the damage of ten pounds, for non payment of seauen pounds due to them, or one of them, for a boat load of barke, comonly accompted ten coard, which was receiued from John Jacob, of Hingham, for the vse of the said John Gorum, and by his order, being receiued a little before, or neare about, last barly haruest was twelue month.

The jury find for the plaintiffes seauen pounds seauen shillings damage, and the cost of the suite.

The towne of Scittuate complained against Humphery Johnson, of Hingham, in an action of the case, for treaspasing vpon them to the damage of one hundred pounds, for felling, cutting, and carrying away, this seuerall yeares, both cedar and oake timber of from the comons of the towne of Scittuate.

This action non suited.

Ensigne John Williams complained against Nathan^l Turner, in an action of the case, to the damage of fifty pounds, for not pforming of his promise made to the said Williams sofitime in July last past, before the date heerof, in not acknowledging a deed of his brother, Joseph Turner, and giueing, seizing, and possession of the said lands vnto him, as hee is by letter of attorney impowered to doe. The jury find for the defendant the cost of the suite.

Añ Bird, of Scittuate, widdow, complained against Ensigne John Williams, in an action of the case, to the damage of forty pounds, for detaining of moneys by her left in his hands, and for deneying or neglecting to pay her for three yeares service.

The jury find for the plaintiffe four pound in mony, ten shillings damage, and the cost of the suite, leauing the reward of her service to the Court to determine.

See more of this in the next written page of this booke.

[*153.] *The Court haue ordered, that John Williams shall pay to the widdow Bird, for her three yeares service, the sume of three pounds and ten shillings a

yeare, wherof three pound and ten is to be payed in mony, and the remainder to be paid in barly att prise currant, to be deliuered by the fifteenth day of December next after the date heerof; or in porke by the first of Aprill, 1671, att prise currant, sealed and pased by the packer att Boston, to be deliuered to Ann Bird, widdow, by the times fore named, or vnto her order.

1670.

29 October.
PART I.

Ann Bird, of Scittuate, widow, complaineth against Ensigne John Williams, in an action of the case, to the damage of twenty pounds, for that the said Williams, as her agent, had a bill of John Hanmores comited to him to receiue the debt in her behalfe, and refuseth to deliuer vp the said bill vnto her, or the debt, if receiued, according to the bill.

The jury find for the plaintiffe six pound and nineteen shillings, ten shillings damage, and the cost of the suite.

The names of the juries that tryed these actions are as followeth:—

sworne.	{	John Tompson,	}	sworne.	{	Job Crocker,	}
		John Richmond,				John Cobb, of Taunton,	
		Samuell Edson,				Abraham Jackson,	
		Thomas Linkolne,				Samuell Dunham,	
		James Clarke,				Henery Sampson,	
		Jacob Cooke,				John Soule.	

In some of the actions tryed att this Court, Samuell Dunham, Henery Sampson, and John Soule were excepted against, and in their stead there was William Witherell, John Hatheway, and Jabeze Howland were put in their stead, and did serue.

*The names of the jury which tryed the actions inserted in the next page att the Court held att Plymouth the seaventh of March, 1670, are as followeth:—

[*154.]

sworne.	{	John Morton,	}	sworne.	{	Job Bourne,	}
		John Bryant, of Scittuate,				Benamine Church,	
		John Rogers, Seni ^r ,				Joseph Bartlett,	
		Mr Josias Standish,				John Howland, Juni ^r ,	
		Gorge Watson,				Wit Foard, Juni ^r ,	
		Samuell Ryder,				Jonathan Prat.	

1670-1. **Att the Court holden att Plymouth the seauenth of March, 1670.*

7 March.

PART I.

[*155.]

BEFORE Thomas Prence, Esq ^r , Go ^u ,	Thomas Hinckley,
John Alden,	John Freeman,
Josias Winslow,	Nathaniel Bacon, and
Willam Bradford,	Constant Southworth,
Assistants, &c.	

NATHANIEL SOULE complained against Gyles Slocom, of Dartmouth, in an action of the case, to the damage of an hundred pounds, for treaspas done by the said Slocome vnto the said Nathaniel Soule and Gorge Soule, for or in that the said Gyles Slocom did soñtimes the last summer, in the absence of the said Soules, enter into and vpon the rights of the said Nathaniel Soule and Gorge Soule, in land in the towne of Dartmouth, detaining and refusing to surrender the same, soe that the said Nathaniel Soule and Gorge Soule cannot enter therin, but were kept out and hindered soe to doe, and therfore is nessesitated to bring theire action, wherby the said Nathaniel and Gorge Soule come to be damnified.

The jury find for the defendant.

Wheras Ann Bird, of Scittuate, widdow, complained against Ensigne John Williams, in an action of the case, to the damage of forty pounds, for detaining of monies by her left in his hands, and for deneying or neglecting to pay her for three yeares seruice, and comēcing suite against him att the Court held att Plymouth in October last, did then obtaine a verdict against him for foure pounds in money, ten shillings damage, and the cost of the suite, leauing the reward of her seruice to the Court to determine, — the aboue said John Williams, now complaining that hee is greatly damnified by the said verdict, and requiring a review, hath obtained a review of the said action, to be tryed att this Court.

The jury find for the defendant.

Wheras Capt James Cudworth, of Scittuate, comēced suite against John Williams, in an action of the case, to the damage of twenty pounds, for that the said Williams, about the latter end of hay harvest, in the yeare 1669, vpon the Gulfe Iland, in Scittuate, being the said Cudworthes, did pull or beat downe a wigwam, or Indian house, which an Indian sett vp for his shelter, which Indian was hiered by the said Cudworth to cutt coard wood on the said iland, by which meanes the Indian was forced from his worke, and the

said Cudworth disappointed of a considerable quantity of the wood that would haue supplied his nessesity, and the title of his land brought into question, wherby the said Cudworth came, as hee said, to be damnified, and did then obtaine a verdict for fve pounds damage, and the charge of the suite; the abouesaid John Williams now complaining that hee is greatly wronged by the said verdict, he hath obtained a review of the said action, to be att this Court. The jury find for the defendant.

1670-1.

7 March.
PART I.

Samuell Hiland complained against Timothy White, in an action of the case, to the damage of ten pounds, for entertaining his seruant, John Rouse, without his leaue or alowance.

The jury find for the plaintiffe fve and thirty shillings damage, and the cost of the suite.

**Att the Court of his Ma^{tie} held att Plymouth the fift of July, 1671.*

1671.

5 July.

[*157.]

BEFORE Thomas Prince, Esquire, Go^d,
John Alden,
Josias Winslow,
Wilam Bradford,

Thomas Hinckley,
John Freeman,
Nathaniel Bacon, and
Constant Southworth,

Assistants, &c.

SAMUELL JENKENS complained against Robert Stanford, in an action of the case, to the damage of twenty pounds, for that the said Jenkins haueing giuen bond to the countey Court, held att Boston the 26th of Nouember, 1670, to the vallue of ten pounds, for appeerance of the said Stanford att the Court held att Boston the 8th of December, 1670, to answare for the breaking of a law by gaming. The said Stanford not appeering according to the bond, the said Jenkins, his surtie, was, by the Treasurer of the county of Suffolke, in the jurisdiction of the Massachusetts, sued, and by a jury att the countey Court held att Boston the 31 of January, 1670, awarded to pay the forfeiture of the bond, and the cost of the suite, according to which award, haueing a judgment giuen against him, and an execution serued for the sume of ten pounds and twelue shillings in money, besides other charges vpon the account, hee, the said Jenkins, being not able to pay it in specue, was comitted to prison, and continued in durance vntill the sume aforsaid was fully satisfied in mony.

1671.

5 July.

PART I.

The jury find for the plaintiffe his debt of ten pounds, five pound damage, and the cost of the suite.

Robert Stanford complained against Edward Jenkins, in an action of the case, to the damage of ten pounds, for that the said Jenkins did vnjustly molest the said Stanford by attaching and imprisoning his body vpon an action by him comēced in the name of Samuell Jenkins, and should haue bine tryed att a Court held att Plymouth in March last.

The jury find for the defendant.

Robert Stanford complained against Captaine James Cudworth, in an action of the case, to the damage of thirty pounds, for that the said Cudworth did vnjustly molest the said Stanford by causing him to be attached in seuerall actions, and imprisoning his body vpon seuerall actions by him comēced in the name of Peter Goulding, and one in the name of Peter Goulding and Samuell Backnell, and should haue bine tryed att a Court held att Plymouth iu March last.

The jury find for the plaintiffe ten pound damage, and the cost of the suite.

Moris Truant complained against Thomas Summers, in an action of the case, to the damage of twelue pounds, for non payment of six pounds and odd mony due vnto him, the said Morris, for seuerals as by accompt.

The jury find for the plaintiffe six pound and three shillings, ten shillings damage, and the cost of the suite.

[*158.]

*July, 1671. Nathaniel Soule, of Duxburrow, and Gorge Soule, of Dartmouth, as principalls, both of the collonie of New Plymouth, complaineth against Gyles Slocome, of the towne of Dartmouth, late of Rhode Iland, in an action of the case, to the damage of one hundred and fifty pounds, for treaspas done by the aboue said Slocome vnto the said Nathaniel and Gorge Soule, for that the said Slocome did some time in the yeare of our Lord 1669, in the absence of the said Soules, enter into and vpon the rights of the abouesaid Nathaniel and Gorge Soule, in land in the township of Dartmouth, detaining and refusing to surrender the same, but keepeth improueing the same, soe that the said Nathaniel and Gorge Soule cannot enter therin, but are kept out and hindered soe to doe, and the title of their land by this meanes is brought into question, and therefore are nessesitated to bringe their action, wherby the abouesaid Nathaniel Soule and Gorge Soule comes to be damnified.

The jury find for the plaintiffes the fourteenth lott of land, att Pasco-

mansett, in Dartmouth, bounded as the writing of the deuision of lotts expressed, into which lott of land Gyles Slocome hath wrongfully entered, thirty shillings damage, and the cost of the suite.

1671.

5 July.
PART I.

The Names of the Jury.

sworne.	{	John Morton, Samuell Ryder, Steuen Bryant, John Wadsworth, Samuell Dunham, John Tracye,	}	sworne.	{	Mr Joseph Bradford, John Waterman, Willam Swift, Thomas Tilden, Nathaniel Thomas, Jabeze Howland.	}
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John Mayo, of Eastham, appeered att this Court to answare the suite of Ralph Smith, comēced against him; but Smith nor any appeered to prosecute the suite, and soe the charges of attendance was alowed the said Mayo.

**Att the Court of his Ma^{ties} holden att Plymouth the 29th of October,* 29 October.
1671. [*159.]

BEFORE Thomas Prence, Esquire, Goſs, John Alden, Josias Winslow, Willam Bradford,	Thomas Hinckley, John Freeman, Nathaniel Bacon, and Constant Southworth,
Assistants, &c.	

JOHN WILLIAMS, of Scittuate, complaineth against Peter Worthylake, in an action on the case, to the damage of ten pounds, for not satisfying the said Williams for what hee hath disbursed and engaged relating to the difference between Captaine Williams and the said Worthylake, according to his agreement, and for not satisfying for goods had of the said Williams soñtimes this last summer, and for not breaking vp a ꝑcell of ground vpon Conihassett Necke, according to his agreement.

The jury find for the plaintiffe forty shillings damage, and the cost of the suite.

The bill of cost is twenty six shillings.

1671.

29 October.
PART I.

Nathaniel Turner complaineth against John Williams, in an action vpon the case, to the damage of one hundred pounds, for vnjustley molesting him, defaming and disgracing the said Turner, by causing him to be imprisoned and his goods to be attached; alsoe causing the said Turner to be apprehended and carryed by the constable before authoritie, there to be examined as a theife, or as one that indirectly had taken away another mans goods. Non suited.

William Rogers complaineth against John Rouse, in an action vpon the case, to the damage of an hundred pounds, for neglecting to goe to Boston with him, the said Rogers, vnto Mr John Woodmansey, and the owners of the boate which wee hiered, that soe wee might make vp our accountps with them, and satisfy for what wee had of them in the yeare 1669; alsoe for neglecting to goe to sea with the said Rogers, and for disposing of goods which was in generall for the said Rouse his own pticular vse, wherby the said Rogers is greatly damnified.

The jury find for the plaintiffe the halfe of three pounds seauenteen shillings and eleuen pence, which is thirty eight shillings and fve pence, and twenty shillings damage, and the cost of the suite.

Wheras Robert Stanford, of Scittuate, comēced a suite against Cap^t James Cudworth, in an action on the case, to the damage of thirty pounds, for that the said Cudworth did vnjustly molest the said Stanford by causing him to be attached in seuerall actions, and imprisoning his body vpon seuerall actions by him comēced in the name of Peter Goulding, and one in the name of Peter Goulding and Samuell Bucknell, and should haue bine tryed att a Court held att Plymouth in March last, and the said Stanford obtained a verdict of ten pounds damage, and the cost of the suite, — the aboue said Captaine Cudworth now complaineth that hee is greatly wronged by the said verdict, and hee hath obtained a review of the said action to be att this Court.

The jury find for the defendant.

[*160.]

*Samuell Hiland, of Scittuate, complaineth against Thomas Nicolls, in an action of treaspas on the case, to the damage of twenty pounds, for cuting and carying away both barke and coard wood, since March last, off and from the land of the said Hiland, lying and being within the bounds of Conahassett, bounded to the steping stones and to the land of Micaell Peirse, and alsoe to the land of John Booth and Josias Leichfeild.

This was withdrawne.

The Names of the Jury.

1671.

sworne.	{	John Morton,	}	sworne.	{	John Rogers, Juni ^r ,	}
		Willam Hoskins,				Willam Foard, Juni ^r ,	
		Andrew Ringe,				Samuell Hunt,	
		James Clarke,				Samuell Dunham,	
		John Wadsworth,				Jabeze Howland,	
		John Howland, Juni ^r ,				Jonathan Pratt.	

29 October.
PART I.

**Att the Court of his Ma^{tie} holden att Plymouth the fift of March, 1671-2.*
Anno Doñi 1671.

5 March.

[*161.]

BEFORE Thomas Prence, Esquire, Gof,
John Alden,
Josias Winslow,
Assistants, &c.

Willam Bradford,
Thomas Hinckley, and
Nathaniel Bacon,

M^R JOHN GREEN, of Roxberry, by his attorney, John Willams, of Scittuate, complaineth against Nathaniel Turner, of Scittuate, in an action of the case, to the damage of twenty pounds, for v unjustly detaining and withholding three cowes, which appertained to the heires of the estate of M^r John Alcocke, phesition, late of Roxburrow, deceased, wherby the heires of the said Alcocke are damnified. Non suited.

Ensigne John Williams complained against Joseph Turner, Seni^r, in an action on the case, to the damage of one hundred pounds, for not possessing him, the said Williams, of lands bought of him and payed for, as appeared by a deed vnder his hand and seale, bearing date July the first, 1670; and for neglecting to acknowledge the said deed according to law, wherby the said Williams is damnified. The jury found for the defendant. A review of this action was graunted to the defendant.

M^r John Pecke and Samuell Pecke, late constables of Rehoboth, complaineth against M^r John Allin, of Swansey, in an action of the case, to the damage of four pounds, for non payment of forty five shillings, or therabouts, due by seuerall rates made for the countrey, and for the towne of Rehoboths vse. Withdrawne.

1671-2.

5 March.
PART I.

John Sutton, of Scittuate, complaineth against Daniel Turner, in an action of the case, to the damage of two pounds and fifteen shillings, vpon forfeiture of a bond of such a vallue that should haue bine payed by him vnto the said Sutton, in siluer money, att or before the 29th of July, 1670, not yett payed.

The jury find for the plaintiffe the bond, and the cost of the suite.

Wilam Paule, of Taunton, complaineth against John Hathwey, Seni^r, of Taunton, aforesaid, in an action of damage and defamation, to the damage of twenty pounds, for damnifying and defaming the said Paules meddowes, in saying there is noe vpland, nor timber appertaining to his meddowes, for their securitie in fenceing, and for pulling vp the bound markes of the said vplands. This action was non suited, and afterwards ordered by the Court that in reference vnto the ending of the controuersy respecting this action, that Ensigne Leonard ant Serje: Hall shall settle a range on the vpland of the said John Hathwey for the said Wilam Paule to sett his fence on, viz^t, the said range to run on a straight line on the edge and border of the said vpland.

Humphery Johnson, of Hingham, complaineth against John Turner, Juni^r, of Scittuate, in an action of treaspas on the case, to the damage of three pounds, for damnifying the said Johnson, by cuting and carrying away, or causing timber to be cutt and carryed away, from the propriety of the said Johnson, in Scittuate Comons, since the yeare 1668. The jury find for the defendant.

[*162.]

*Major Josias Winslow, of Marshfeild, complained of Wilam, son to Taspauin, the sachem of Namassakett, in an action of the case, to the damage of twenty pounds for non payment of ten pounds, and eight shillings, due vnto him for a horse, and other goods sold to him the last su^mer, as appeered by a bill vnder his hand.

The jury find for the plaintiffe the bill, twelue pence damage, and the cost of the suite.

John Whistone, of Scittuate, complained against Edward Jenkins, of Scittuate, as gaurdian to the said Whistone, in an action of the case, to the damage of fifty pounds, for that the said Jenkins hath not returned thirty and four pounds and fiue shillings in English goods, received by Edward Jenkins, as gaurdian to the said Whiston, of Edward Wanton, in the yeare one thousand six hundred sixty nine, wherby the said Whiston comes to be damnified.

Nonsuited.

Wiltam Nicarson complained against Mattaquason, sachem of Manna-moiett, in an action of the case to the damage of two hundred pounds, for that the said Mattaquason refuseth to signe him a deed to assure him of the land that hee, the said Nicarson, purchased of him. The jury find for the defendant.

1671-2.
5 March.
PART I.

Memorand: that twenty shillings is allowed by the Court to Mattaquason, for charges in attendances on the suite comensed against him by Wiltam Nicarson aboue mentioned.

The Names of the Jury.

sworne.	{	M ^r Josias Winslow,	}	sworne.	{	Samuell Ryder,
		John Morton,				Serj: Ephraim Tinkham,
		John Tracye,				Gorge Vaughan,
		Francis West,				Stuen Bryant,
		M ^r Joseph Bradford,				James Hamblen,
		Ensigne John Haward,				Gorge Bonum.

*Att the Court of his Ma^{ties} holden att Plymouth the first of July, 1672. 1672.

BEFORE Thomas Prence, Esq ^r , Go ^{vt} ,	Thomas Hinckley,
John Aldin,	John Freeman,
Josias Winslow,	Nathaniel Bacon, and
Wiltam Bradford,	Constant Southworth,
Assistants, &c.	

1 July.
[*163.]

M^R THOMAS CLARKE, Seni^r, late of Plymouth, complaineth against Henery Clarke, of Duxburrow, in an action of the case, to the damage of four pound, for non payment of a debt of forty shillings due from Thurston Clarke, Seni^r, deceased, the which debt of forty shillings the said Henery Clarke engaged to pay vnto the said Thomas Clarke.

The jury find for the defendant.

Francis Baker, of Yarmouth, complained against Wiltam Nicarson, Seni^r, of Mannamoiett, in an action of debt, to the damage of thirty pounds, for non payment of aboute twenty two pounds and nine shillings, due for caske made and deliuered by him to the said Nicarson or his order, p^{te}ly in the

1672.1 July.
PART I.

yeare 1669, and p̄tely in Aprill and May, 1670, as by his booke more p̄ticularly doth appeer.

The jury find for the plaintiffe a debt of four pound and seauen shillings añ four pence, thirty shillings damage, and the cost of the suite.

The jury expressed themselues that they had noe respect in this verdict vnto six meat barrells expressed in the accoumpt on the booke.

The Names of the Jury.

sworne.	{	John Morton, Joseph Warren, Andrew Ringe, John Rogers, John Tracye, Gorge Bonum,	}	sworne.	{	Thomas Tilden, Jonathan Winslow, Benajah Prate, Jabez Howland, Jonathan Barnes, Dauid Aldin.	}
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30 October.
[*164.]

**Att the Court of his Ma^{tie} holden att Plymouth, in New England,
the 30th of October, 1672.*

BEFORE Thomas Prence, Esquire, Gour ^r , John Aldin, Josias Winslow, Wilham Bradford,	Thomas Hinckley, John Freeman, Nathaniel Bacon, and Constant Southworth,
Assistants, &c.	

JOSEPH BARTLETT complained against James Clarke, in an action of treaspas on the case, to the damage of three pounds, for feching away of hay of from the meddow of the said Joseph Bartlett, without his leaue and order, some time in this iustant October. The jury find for the defendant.

Francis Baker, of Yarmouth, complained against Wilham Nicarson, of Mannamoicett, in an action of the case, to the damage of ten pounds, for that the said Nicarson neglecteth to pay him for six meat barrells, and for labour done seuerall times about pining of tarr barrells, and trimming them, in the yeare one thousand six hundred and seauenty.

The jury find for the plaintiffe fīue shillings damage, and the cost of the suite.

Wiltam Nicarson, Seni^r, of Mannamoiett, complained against Francis Baker, of Yarmouth, in an action of the case, to the damage of thirty pounds, by reason of the faultines of a pcell of tarr barrells hee made for the said complainant, in the yeare one thousand six hundred sixty and seauen, p̄tely by the leakenes of seuerall of them when they first put tarr in them, and p̄tely because seuerall of them were aboue the ordinary gage that other men made, and ouercharging him sixpence vpon a barrell more then men ordinarily payed for tarr barrells.

The jury find for the defendant.

John Jenkins, of Barnstable, complained against Roger Goodspeed, in an action of defamation, to the damage of fifty pounds, in his charging of the said complainant to be a lyer, and that hee had stolen his kidd, bidding all the people there to take notice therof; this being on a lecter day, in September last, in the publicke meeting house there, before sundry people.

This was ended
by acknowledg-
ment.

The jury find for the plaintiffe twenty pound damage, and the cost of the suite; or an acknowledgment to the satisfaction of the Court, and the cost of the suite.

Wiltam Rogers, that formerly liued with John Williams, of Scittuate, complained against John Williams, of Scittuate aboue said, in an action of the case, to the damage of one hundred pounds of siluer mony, for that the said John Williams did slaunder the aboue said Wiltam Rogers, by saying that the abouesaid Wiltam Rogers, did, sometime about the begining of January last past, breake vp the said Williams his house, and stole seuerall things.

The jury find for the defendant.

*Mary Churchill complaineth that Thomas Doten, haueing begotten her with child, is departed the gou^rment, and it is doubtfull whether hee will returne againe, and haueing left her in a poor deplored condition; and hath sued out an attachment on such goods and chattles, and all dues and rights appertaining to the said Doten to be for her support; and produceth to the Court what the constable of Plymouth hath attached att her suite, that soe shee may abide the award of the Court respecting the premises.

[*165.]

The jury find for the plaintiffe, all the p̄ticulares specified in the euidences, which were as followeth: Item, Thomas Dotens third of a boate, in p̄tenorship with Leiff Morton and Thomas Howes; his third likewise of a p̄sell of netts in the same p̄tenorship, with his third of the roads, ankers, and sailes appertaining to the said boate; as alsoe a gun in the custody of Ephra-

1672. im Morton, a rapier att Gorge Mortons, forty shillings for the hier of the
 30 October. boate due from Richard Willis, and a psell of boards in the costody of diuers
 PART I. psons.

The names of the jury that tryed the forenamed tryalls were, —

sworne.	{	Mr Samuel Edson,	}	sworne.	{	Joseph Warren,	}
		Gorge Vaughan,				Steuken Skiffe,	
		Steuken Bryant,				John Howland,	
		Serjeant Ephraim Tinkham,				Samuell Clapp,	
		Nathaniel Turner,				Benjamine Church,	
		John Rogers, Seni ^r ,				Jonathan Prate.	

Memorandum : that in the action betwixt Joseph Bartlett against James Clarke, Serjeant Tinkham, Steuen Bryant, Joseph Warren, and Jonathan Prate, were excepted against, and John Thomson, Steuen Wood, Jonathan Dunham, and John Dunham, Juni^r, serued in their stead.

1672-3. *Att the Court of his Ma^{ties} holden att Plymouth the fourth Day
 4 March. of March, Anno Do^{mi} 1672.
 [*166.]

BEFORE Thomas Prence, Esq ^r , Gou ^r ,	Thomas Hinckley,
John Aldin,	John Freeman, and
Josias Winslow,	Constant Southworth,
Wiltam Bradford,	
Assistants, &c.	

ANTHONY DODSON, of Scittuate, complained against John Cowin, of the same towne, and Rebecka, his wife, in an action of the case, to the damage of one hundred pounds, for vngroundedly saying and reporting this yeare, 72, that the said Dodson sayed that John Wiltams sayed Wiltam Rogers broke vp his house, by which saying and reporting of John Cowin and his wife, the said Dodson is wronged, reproached, and defamed, and soe comes to be damnified.

The jury find for the defendant.

Anthony Dodson, of Scittuate, complaineth against Micaell Peirse, of

the same towne, in an action of the case, to the damage of one hundred pounds siluer mony, for that the said Peirse sometime this yeare, 72, said that the aboue said Dodson had either lyed horribly or notoriously, or for sworne him selfe, in the case betwē Wiltam Rogers and John Williams, by which the said Dodson comes to be damnified.

1672-3.

4 March.

PART I.

This was agreed without a verdict of jury.

Leiftenant Perrigrine White, Mr John Bourne, and Ensigne Marke Eames, as celectmen of the towne of Marshfeild, and in the said townes behalfe, doe complaine against John Farrow and Wiltam Sprague, Seni^r, both of Hingham, in an action of the case, to the damage of an hundred pounds, for that the said Farrow and Sprague did this day conduct or bringe one Hannah Bumpas, a distracted pson, whose last settled residence hath bin att Hingham, in the collonie of the Massachusetts, for the space of one yeare or more, and is therby, according to an article between the confederate collonies, properly theires to maintaine, into the collonie of New Plymouth and towne of Marshfeild, and theire leauing her, to theire great charge and damage, and to the hazard of the psons soe brought and left by them. The jury find for the plaintiffes, that the defendants brought Hannah Bumpas into the towne of Marshfeild, that was then an inhabitant of the towne of Hingham, five pounds damage, and the cost of the suite.

Joseph Dunham complaineth against Samuell Mylam, in an action of the case, to the damage of five pounds, for non pformance of a bargaine about a p̄sell of cedar bolts that the said Mylam should haue procured for the said Joseph Dunham by the last of October last past before the date heerof, and to haue bine deliuered by the said Mylam att the said Dunham his house by the time prefixed, and with them three shillings in mony.

The jury find for the plaintiffe his bolts according to bargaine, thirty shillings damage, and the cost of the suite.

*Wiltam Randall, Juni^r, of Scittuate, complaineth against Robert Stanford, of the same place, in an action of the case, to the damage of ten pounds, for that the said Stanford, haueing an interest in the saw mills, did saw diuers loggs of timber of the said Wiltam Randalls, sofitimes the last summer, and refused to deuide with him, or to giue him, the said Randall, his due p̄te therof; and alsoe, that wheras the said Wiltam Randall and Robert Stanford did put the said difference betwixt them concerning the said loggs of timber vnto arbetraton, and bound themselues each to other in an assumsett of ten pounds, to the determination of the arbetrators, or any two of

[*167.]

1672-3. them, but the said Stanford did not appeer att the time and place appointed, nor any for him, by all which the said Wiltam Randall comes to be damnyed. The plaintiffe being absent when this action was called, hee lost the tryall and issues of his suite.

4 March.
PART I.

Joseph Turner, of Scittuate, complained against John Wiltams, of Scittuate, in an action of the case, to the damage of one hundred pounds, for that the said Wiltams did vnjustly molest him, the said Turner, in causing him to be attached, and his body imprissoned, in an action of one hundred pounds, which said action the said Williams procecuted against the said Joseph by tryall of a jury in the Court holden att Plymouth the last March.

The jury find for the plaintiffe thirty shillings damage, and the cost of the suite.

John Williams, of Scittuate, as administrator to the estate of Edward Williams, late of Scittuate, deceased, complained against John Turner, Juni^r, of Scittuate aforsaid, in an action of the case, to the damage of seuenty pounds siluer money, for non payment of a debt of nine pounds and ten shillings, as appeers due to the said Edward Williams, him, his heires, exequirors, and adminestrators, by a bill of the aboue said Turners hand, bearing date Aprill the 14th, 1666.

The jury find for the plaintiffe his bill, forty shillings damage, and the cost of the suite.

John Williams, of Scittuate, complaineth against John Turner, Juni^r, of Scittuate, son of Humphrey Turner, in an action of the case, to the damage of nine pounds, for non payment of a debt of four pounds and fourteen shillings, due to the aboue said Williams, as appeers by a bill of the aforsaid Turners hand, bearing date Nouember the fift, 1670.

The jury find for the plaintiffe nine shillings damage, and the cost of the suite. The jury explained themselues that the defendant owning the bill, they went only on the charges.

[*168.] *Nathaniell Thomas, Juni^r, of Marshfeild, as surty for Humphery Johnson, of Hingham, stands engaged to the Court of Plymouth, in the penall sume of six pounds, to make good such damage as John Turner, Juni^r, of Scittuate, should sustaine by the vnjust molestation of the said Johnson, in procecution of an action against the said Turner, att the Court of his matie held att Plymouth the first day in March last past, and the Court hauing

assigned the said engagement vnto the said Turner to recouer his said damage. 1672-3.

Whervpon the said John Turner, Juni^r, of Scittuate, complained against the said Nathaniel Thomas, Juni^r, of Marshfeild, as surty for the said Johnson, in an action of the case, to the damage of six pounds, for that the said Johnson did vnjustly molest the said Turner in procecution of an action against him att the Court of his ma^{tie} holden att New Plymouth in March last past, wherby the said Turner was damnified, &c.

4 March.
PART I.
Non suited.

Sarah Warren, Seni^r, widdow, complaineth against Robert Barker, Seni^r, of Duxburry, in an action of the case, to the damage of forty pound, for non pformance of a bond made with Nathaniel Warren, Seni^r, deceased, which bargaine beares date Nouember the twenty second, 1663, wherin the said Barker stands bound vnto the said Nathaniel Warren, his heires, exequitors, administrators, and assignes, to maintaine two chimneys and an ouen, for the tearme of seauen yeares from the date aforsaid, att his owne proper cost and charge, and to leaue them good and substantiall att the seauen yeares end.

This non
suited.

The Names of the Jury.

{ John Morton, James Clarke, Joseph Howland, Andrew Ringe, Joseph Warren, John Bryant, }	} sworn.	{ Gorge Bonum, Abraham Jackson, Benajah Pratt, John Rogers, Juni ^r , Edward Southworth, Jabez Howland, }	} sworn.
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**Att the Court of his Ma^{tie} holden att Plymouth, for the Jurisdiction of New Plymouth, the 4th of July, Anno Doñi 1673.* 1673.

4 July.
[*169.]

BEFORE Josias Winslow, Esq ^r , Gof,	John Freeman,
John Alden,	Nathaniell Bacon,
Willam Bradford,	Constant Southworth, and
Thomas Hingley,	James Browne,
Assistants, &c.	

JOSEPH WHITE and Samuell Holmes, both of Marshfeild, complained against Gorge Russell, of Scittuate, in an action of the case, to the damage of twenty pounds, for non payment of a debt of nine pounds, four

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pounds siluer money, and fve pounds in English goods, due to the said White and Holmes, for building two chimneys for the said Russell at Martins Vinnyard, and for non pformance of articles of agreement in not finding a sufficient man to healp the said White and Holmes about the said worke, and for not carting the wood into place for the burning of the bricke to build the said chimneys, and for not carting the said bricke into place, according to articles of agreement bearing date June the third, 1672.

Verdict.

The jury find for the plaintiffes theire debt of nine pound in specue, according to articles, four pound and ten shillings for non pformance of articles of agreement, ten shillings damage, and the cost of the suite.

Mr Thomas Dean, of Boston, complained against Sarah Daus, adminestratrix to the estate of her late husband, Nicholas Daus, of Road Iland, deceased, in an action of debt, to the damage of ninty pounds, for non payment of forty fve pounds in current money of New England, due vnto him, as by bill obligatory vnder the hands and seales of the said Nicholas Daus and Henery Taylor, joyntly and seuerally, dated the 25th of July, 1671, doth appeer.

The verdict is as followeth : —

If Sarah Daus proue adminestratrix to the estate of Nicholas Daus, deceased, wee find for the plaintiffe his bill of forty fve pounds of currant mony of New England, fifty shillings damage, and the cost of the suite. If otherwise, wee find for the defendant.

This was withdrawne, notwithstanding the verdict giuen in.

John Hoare, of Concord, complained against Captaine James Cudworth, of Scittuate, in an action on the case, for vnjustly detaining of the said Hoares lands, which said lands, together with housing, orchard, and fenceing, hath bine in the occupation of the said Cudworth now about twelue yeares past, being pte of the land the said Cutworth now liues att, as more fully appeer by a deed and writinges, and all due damages sustained therby.

This action was withdrawne.

[*171.]

This was with-
drawne.

*Mr Thomas Deane, of Boston, complained against Sarah Daus, adminestratrix on the estate of her late husband, Nicholas Daus, of Rhode Iland, deceased, in an action of debt, to the damage of one hundred pounds, for non payment of eighty seauen pounds fourteen shilling and seauen pence, in pork, according to bill due vnto him, due as by hand of the said Nicholas Daus thervnto, dated the 28th of December, 1670, appeereth.

Such a verdict was giuen vnto the suite aboue as followeth : If Sarah Daus proue adminestratrix to the estate of Nicholas Daus, deceased, wee find for the plaintiffe his bill of eighty seauen pounds fourteen shillings and seauen pence, twelue pound fve shillings fve pence damage, and the cost of the suite. If otherwise, wee find for the defendant.

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Mr Thomas Deane, of Boston, complained against Sarah Daus, adminestratrix to the estate of Nicholas Daus, of Rhode Iland, her late husband, deceased, in an action of debt, to the damage of six score pounds, for non payment of eighty six pounds fourteen shillings and two pence, due vnto him from the estate, as by two bills from vnder the hands of the said Nicholas Daus appeers, one wherof being for the payment of thirty pounds in currant New England money, bearing date the 13th of September, 1671, and the other for the payment of fifty six pounds fourteen shillings and two pence, in like mony, dated the 7th of March, 1671.

Such a verdict was giuen to the suite aboue said as followeth. If Sarah Daus proue adminestratrix to the estate of Nicholas Daus, deceased, wee find for the plaintiffe his bill of thirty pounds in currant coyne of New England, and six pound fourteen shillings and two pence of his bill of fifty six pound fourteen shillings, forty shillings damage, and the cost of the suite. If other wise, wee find for the defendant.

This withdrawne.

Sarah Daus being not found adminestratrix to the estate of Nicholas Daus, these verdicts were to non effect.

Ralph Allin, of Sandwich, complained against Sarah Daus, adminestratrix on the estate of her late husband, Nicholas Daus, of Rhoad Iland, deceased, in an action of debt, to the damage of ten pounds, for non payment of nine pounds and fve pence due vpon account vnto him from the estate of the said Nicholas Daus.

This was withdrawne, and not pleaded to.

John Hoare, of Concord, complained against John Ensinge, of Scittuate, as the son and heire, or as executor or adminestrator, of Thomas Ensinge, of Scittuate aforesaid, deceased, in an action of the case, to the damage of twenty pounds, for not pforming of a couenant of the said Thomas Ensinge, his father, respecting lands att Conahassett, sold to the said Hoare, as by deed vnder the said Thomas Ensinges will more fully appeer.

This withdrawne.

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*Mistrise Sarah Warren, as the executrix of the estate of Nathaniel Warren, deceased, complaineth against Robert Barker, Seni^r, of Duxburrow, in an action of the case, to the damage of forty pounds, for non p^rformance of a bargaine made with the said Nathaniel Warren, which bargaine beareth date Nouember the 22^{cond}, 1663, wherein the said Barker stands bound to the said Nathaniel Warren, his heires, exequitors, and assignes, to maintaine two chimneys and an ouen for the tearme of seauen yeares from the date aforesaid, att his owne propper cost and charge, and to leaue them good and substanciall att the seauen yeares end, by the non p^rformance of which said bargaine the said Sarah Warren is much damnified.

Withdrawne.

M^r John Allin and Hugh Cole, both of the towne of Swanzey, in the collonie of New Plymouth aforesaid, doe complaine against Phillip, allies Metacombr, in an action of the case, to the damage of two hundred pounds, for refusing to p^rforme couenants and agreements expressed in a deed giuen vnder the said Phillips hand to the said M^r Allin and Hugh Cole, their heires and assignes, for the vse of the towne of Swansey aforesaid, the said Phillip being required thervnto before the Go^u^r and his Assistants, by the said Allin and Hugh Cole, on the 7th of March, 1672, which said couenant is, that vpon the reasonable request of the said M^r John Allin and Hugh Cole, the said Phillip did engage to come before the Go^u^r of New Plymouth, or some of his Assistants, and then and there acknowledge the true and absolute sale of the p^rmisses expressed in the said deed, according to the true meaning therof.

This was withdrawne.

Att this Court information was giuen and complaint made vnto the Court by Isacke Chettenden, against Humphrey Johnson, of Hingham, in the gou^rment of the Massachusetts, for that the said Johnson hath, contrary to order of Court, cutt downe or plucked vp a stake sett as a bound marke of land layed out by the co^mmittee of Scittuate to the said informer, att or by a swamp neare the land of Thomas Hiland, Seni^r.

Wee find for our so^u^r lord the Kinge, Humphrey Johnson haueing broken a law of this gou^rment in cutting downe of a stacke that was sett vp as a bound marke, which law is in the Booke of Lawes, chap^t 3, number the 21.

The names of the jury that went on the eight foregoing cases, soe many of them as were heard and tryed, were, —

sworne.	{	Nathaniell Thomas,	}	sworne.	{	John Tracye,	}	1673.
		John Rogers,				Benjamine Church,		
		Edward Gray,				Gorge Bonum,		
		John Bryant,				Steuens Skiffe,		
		Wiltam Clarke,				Thomas Tilden,		
		Joseph Warren,				Nathaniel Southworth.		

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The Names of the Jury that tryed the Complaint against Humphery
Johnson, aboue written.

sworne.	{	John Tompson,	}	sworne.	{	Samuell Dunham,	}
		James Walker,				Joseph Howland,	
		John Rogers,				Gorge Bonum,	
		John Richmond,				Joseph Warren,	
		Thomas Tilden,				Jonathan Sparrow,	
		John Thacher,				Steuens Skiffe.	

*Att the Court of his Ma^{ties} holden att Plymouth the 29th of October, 1673. 29 October.
[*173.]

BEFORE Josias Winslow, Esq^r, Go^{vt}, John Freeman,
John Aldin, Constant Southworth, and
Wiltam Bradford, James Browne,
Thomas Hinckley,
Assistants, &c.

M^R THOMAS DEAN, of Boston, marchant, complained against M^r John Walley, as adminestrator to the estate of Nicholas Daus, deceased, as is within the collonie of New Plymouth, in an action of the case, to the damage of sixty pounds, for non. payment of a bill of thirty pounds, currant money of New England, due from the said Daus to M^r Dean, as by bill bearing date September the 13th, 1672.

The jury find for the plaintiffe thirty pounds, according to bill, two pence damage, and the cost of the suite.

M^r Thomas Dean, of Boston, marchant, complaineth against M^r John Walley, as adminestrator to such estate of Nicholas Daus, deceased, as is

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within the collonie of New Plymouth, in an action of the case, to the damage of one hundred and fifty pounds, for non payment of a bill of eighty seauen pounds fourteen shillings and seauen pence, in good and marchantable porke, att Boston, vnder the packers marke, att fifty shillings p barrell, due from the said Daus, as appeers by his bill bearing date the 28 day of December, 1670.

The jury find for the plaintiffe eighty seauen pound fourteen shillings and seauen pence, according to bill, ten pound damage, and the cost of the suite.

Mr Thomas Dean, of Boston, marchant, complaineth against Mr John Walley, as adminestrator to such estate of Nicholas Daus, deceased, as is within the collonie of New Plymouth, in an action on the case, to the damage of eighty pounds, for non payment of a bill of forty fue pounds, currant mony of New England, and due from the said Daus to Mr Dean, as by bill bearing date the twenty-fift of July, 1671, appeereth.

The jury find for the plaintiffe forty fue pound, according to bill, three pounds and fifteen shillings damage, and the cost of the suite.

Mr Thomas Dean, of Boston, marchant, complaineth against Mr John Walley, as adminestrator of such estate of Nicholas Daus, deceased, as is within the collonie of New Plymouth, in an action of the case, to the damage of one hundred pounds, for non payment of a bill of fifty six pounds fourteen shillings and two pence, currant mony of New England, due from the said Daus to Mr Deane, as by bill bearing date the 7th of March, 1671.

The jury find for the plaintiffe six pounds and fourteen shillings and two pence, as the remainder of the said bill, nine shillings damage, and the cost of the suite.

Mr Peter Serjeant, marchant, of Boston, complained against Mr John Walley, as adminestrator to such estate of Nicholas Daus, deceased, as is within the collonie of New Plymouth, in an action of the case, to the damage of three hundred pounds, fifty eight pounds due vnto him, the said Serjeant, his heires and assignes, as by bond bearing date March, 1761, from the said Nicholas Daus, dē, in currant mony of New England.

The jury find for the plaintiffe his bond, and the cost of the suite.

[*174.]

*Wheras, att a Court held att New Plymouth on the fift day of March, 1671, Ensigne John Williams comēced suite against Joseph Turner, Seni^r,

of Scittuate aforesaid, in an action of the case, to the damage of one hundred pounds, for not posessing him, the said Williams, of lands bought of him, and payed for, as appeereth by a deed vnder his hand and seale, bearing date July the fift, 70, and for neglecting to acknowlidge the said deed according to law, wherby the said Williams was damnified; and the jury on that tryall finding for the defendant, the plaintiffe still complaining that he is therby kept from his just right, and that the Court and jury was misled in the former tryall by the defendants fraudulent, fallaciouse please, as hee will make it appeer, hee hath obtained a review of the aforesaid action.

The jury find for the plaintiffe, that the defendant shall make good his couenant according to his deed, or thirty pound damage, and the cost of the suits.

John Williams, of Scittuate, adminestrator to the estate of Edward Williams, deceased, complained against Wilkam Randall, Junir, of Scittuate, in an action of the case, to the damage of twelue pounds, for non payment of three thousand and two hundred of hogshed stuffe and heding due to the aboue said Edward Williams, as appeers by a bill giuen vnder the aboue said Randalls hands, which bill beareth date Nouember the second, 1670.

The jury find for the plaintiffe the cooper stuffe expressed in the bill, eight shillings damage, and the cost of the suite.

John Williams, of Scittuate, adminestrator to the estate of Edward Williams, late of Scittuate, deceased, complaineth against Thomas Turner, of Scittuate, Seni^r, in an action of the case, to the damage of ten pounds, for non payment of a debt of three thousand and three hundred of marchantable white oake barrell staues due to the aboue said Williams, as appeereth by a bill giuen under the said Turners hand, which bill beareth date the 4th of Aprill, 1666.

The jury find for the plaintiffe the barrell staues due vpon this bill, and fifteen shillings damage, and the cost of the suite.

John Williams, of Scittuate, as adminestrator to the estate of Edward Williams, late of Scittuate, deceased, complaineth against Thomas Turner, of Scittuate, tanner, in an action of the case, to the damage of nine pounds, for non payment of a debt of foure pounds and ten shillings in cooper stuffe, due to the aboue said Edward Williams, as appeereth by a bill giuen under the said Turners hand, which bill beareth date Nou^m 14, 1665.

The jury find for the defendant.

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John Williams, of Scittuate, complaineth against James Doughtey, of Scittuate, Seni^r, in an action of the case, to the damage of twelue pounds, for non payment of three thousand of marchantable hogshed staues and heding, due vnto the said John Williams, as appeereth by a bill giuen vnder the aboue said Doughteys hand, which bill beareth date Nouember the third, 1670.

The jury find for the plaintiffe six pound, according to his bill, twenty shillings damage, and the cost of the suite.

M^r John Green, whoe was appointed administrator by the county Court, att Boston, July the 30th, 1667, to inspect and take care of the late M^r John Alcockes estate, by his attorney, John Williams, of Scittuate, complaineth against Joseph Coleman, of Scittuate, pound keeper, in an action of the case, to the damage of five pounds, for ilegall releasing of diuers swine out of the pound in Scittuate, which were impounded by order of the aboue said attorney, John Williams, sometime in September last.

This was withdrawne.

[*175.]

*John Barker, of Scittuate, attorney vnto Samuell Hiland, late of Scittuate, complaineth against Israell Hubbert, of Scittuate, in an action of the case, to the damage of eight and twenty pounds, siluer mony of New England, as appears to be due to the aboue said Hiland, by a bill giuen vnder the said Hubberts hand, bearing date October the twenty one, 1672.

The jury find for the plaintiffe, that the defendant shall pay fourteen pounds in specue, according to bill, eight shillinges damage, and the cost of the suite.

John Palmer, Juni^r, of Scittuate, complained against John Silvester, of Marshfeild, in an action of the case, to the damage of six pounds, for that the said Silvester did cutt and carry away grasse or hay, some time this summer, from the meddow land of the said Palmer, which said meddow lyeth att the riuier called the North Riuier, betwixt the meddow of Joseph Barstow, the said Barstowes meddow going on both sydes the said meddow from whence the said Silvester carryed the said hay or grasse, wherby the said Palmer is damnified.

This was withdrawne.

John Merrett and Charles Stockbridge, both of Scittuate, doe complaine against Isacke Chittenden, of Scittuate, aforesaid, in an action of the case, to the damage of ten pounds, for appropriating p^{te} of the co^mon or undeuided

land of Scittuate to his owne p̃ticular vse, wherein the said John Merrett and Charles Stockbridge are interested, and contrary to an acte of the said towne, bearing date January the twentyeth, 1652, wherein the said towne of Scittuate did agree that the said cõmon or undeuided land should lye undeuided to the whole inhabitants of the said towne; and for setting vp a fence, or p̃te of a fence, on the said land, neare the meddow land of the said John Merritt, and neare the house of Thomas Hieland, Seni^r, since January last past, wherby the said plaintiffes are damnified.

This withdrawne.

John Hoare, of Concord, complaineth against Cap^t James Cutworth, of Scittuate, in an action of the case, for detaining from him a p̃sell of his land, containing about thirteen acres, lying in Scittuate, where the said Cap^t Cutworth now liueth, being a p̃sell of that land the said complainant bought of Mr Timothy Hatherley, according as the deed bearing date the 10th of Aprill, 1651, doth appeer, and all due damages sustained therby.

The jury find for the defendant.

Joseph Trewant, of Marshfeild, complained against Timothy White, of Scittuate, in an action of the case, to the damage of foure pound and ten shillings, for non payment of two pounds and nine shillings, due to him, the said Trewant, in siluer mony, for a freight by him conveyed to Boston for the said ^, about the latter end of June last.

The jury find for the plaintiffe forty nine shillings siluer mony, according to the agreement, ten shillings damage, and the cost of the suite.

*Captaine Mathew Fuller, and Samuell Fuller, Seni^r, complained against Steuen Skiffe and John Blacke, allies Blackwell, of the towne of Sandwich, to the damage of ten pounds, for that the said Skiffe and Blacke pulled down, or caused to be pulled downe, about ten or twenty rod or pole of their fence, wherby they suffered much damage in their corne feild att Seauton Necke. [*176.]

This was withdrawne.

John Williams, of Scittuate, did sõmtimes in September last impound diuers swine of Cap^t James Cudworths, and the said Cudworth obtained a repleuy, ingageing to procecute against the said Williams; wherfore the said Cudworth doth complaine against the said Williams, to the damage of twenty shillings, for detaining diuers swine of the said Cudworths in pound, notwithstanding the said Cudworth tendered and offered to satisfy all due and legall

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Withdrawne.

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damages that should be legally proued to be don by the said swine of the said Cudworth vnto the said Williams. The said Williams, finding himself agreived with the award of the Court of the celect men of Scittuate, made his appeale to this Court.

This was non suited.

The Names of the Jury.

sworne.	{	Mr Nicholas Byram, Gorge Watson, Joseph Warren, Joseph Howland, Ensigne John Haward, John Gibbs,	}	sworne.	{	John Rogers, Junir, John Wadsworth, John Howland, John Richmond, John Caruer, Isacke Little.
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Towards the latter end of the Court, Ensigne Leanard and John Eames, of Bridgewater, serued in the stead of John Howland and John Gibbs.

1673-4. **Att the Court of his Ma^{tie} holden att Plymouth, in the Jurisdiction of New Plymouth, the 4th of March, Anno Doñi 1673.*

4 March.

[*177.]

BEFORE Josiah Winslow, Esq ^r , Gof,	John Freeman,
John Alden,	Constant Southworth, and
Wilham Bradford,	James Browne,
Thomas Hinckley,	
Assistants, &c.	

JOHN WILLIAMS, of Scittuate, complained against Micaell Peirse, John Cushen, and Jeremiah Hatch, select men of the towne of Scittuate, in an action of the case, to the damage of twenty pounds, for entertaining of an illegall .. into the Court of Scittuate, in October last, which action was comēced by Cap^t James Cudworth, and for not inabling the said Williams, but disenableing of the said Williams, to procecute his appeale according to law, whoe appealed from the judgment of the celect men aboue mentioned, being apprehensiuē of great wronge, wherby the aboue said Williams comes to be damnified.

Non suited.

Mr John Green, whoe is appointed by the countey Court held att Boston July the 30th, 1670, to inspect and take care of the late Mr John Alcockes estate in the behalf of the heires to the said Alcockes estate, by his attorney, John Williams, of Scittuate, complaineth against Nathaniel Turner, of Scittuate, in an action of the case, to the damage of thirty pounds, for vnjustly detaining and withholding of three coves, which coves appertained to the heires of Mr John Alcocke, phesition, late of Rocksberry, deceased, wherby the heires of the abouesaid Alcockes estate comes to be damnified as abouesaid. Non suited.

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John Williams, of Scittuate, complained against Robert Stanford, in an action of the case, to the damage of forty pounds, for non payment of hogshed staues and heding, and coves and younge cattle, due to the aboue said John Williams, as appeereth by a bill giuen vnder the abousaid Stanfords hand, which bill beareth date the 30th of June, 1673.

The jury find and say as followeth : —

If the bill be legally proued, wee find for the plaintiffe his bill in specue, ten shillings damage, and the cost of the . . . This being refered to the Court, they found the bill legally proued.

If it had not bin legally proued, then the latter pte of the verdict of the jury was, that they found for the defendant.

Cap^t Nathaniel Thomas, of Marshfeild, complained against John Caruer and John Branch, both of the towne of Marshfeild, joyntly and seuerally, in an action of the case, for treaspas, to the damage of twenty pounds, for that, notwithstanding the said Caruer, as collector and gatherer of Mr Arnolds rate from the yeare 1672, and the said Branch had accepted satisfaction for the rate due from the said Cap^t Thomas, vpon the rate from about October, 1672, viz^s, the said Caruer and Branch hauing, vpon the first day of this instant February, agreed with the said Cap^t Thomas to take two loads of hay in satisfaction for the said rate, they, the said Caruer and Branch, did afterwards, the same day, to the great injury, disturbance, and molestation of the said Cap^t Thomas and his family, come into the land of the said Cap^t Thomas, and did then and there hurt and hurry the cattle of the said Cap^t Thomas, indeauoring, as they declared, to take and carry away some beast ; but not accomplishing theire intended purpose, they, to the further great injury, discomfort, and mollestation of the said Cap^t Thomas and his family, did, vpon the eleuenth of this aforsaid month, enter againe into the land of the aforsaid Cap^t Thomas, *and did then and there againe hurt and hurry the cattle of the said

[*178.]

- 1673-4. Cap^t Thomas, vntill they had caught one, viz^s, a two yeare old steer, which they carried away, as they pretended, for the aforsaid rate, thō they sett noe prise vpon the said beast. Non suited.

4 March.
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Wheras M^r Thomas Hinckley, Assistant, complained against Cap^t Mathew Fuller, in an action of scandulus defamation, to the damage of two hundred pounds, for that the said Cap^t Fuller hath reported sundry times, and psisted to affeirme, that the said Thomas Hinckley hath doñ him much wronge in his attesteing that the said Mathew Fuller made oath before him to the will of Trustrum Hull, deceased, now in record in Court, and that hee neuer tooke oath to the said will, and more p^ticularly att a meeting on the occation of that scandulous defamation, att the house of M^r Walley, att Barnstable, on the last Satterday next before October Court last past, the said Mathew Fuller did then and there, before sundry p^{so}ns, vehemently defend and justify his aforsaid scandulus reports, not only impudently deneying his owne hand to the said will p^{se}nted before him, but alsoe that hee neuer spoke his oath to the said will, notwithstanding the record therof, vnder the hand of the said Thomas Hinckley, on the said will, and that hee neuer took an oath before him, and with sundry other bold, daring expressions, impiously affeirmed that the great God knew, and hee, the said Thomas Hinckley knew, in his owne conscience, that hee, the said Mathew Fuller, neuer tooke his oath to Trustrum Hulls will, therby rendering the said Thomas Hinckley basly pfidious, false, and vnfaithfull, in both his owne office and vnder the awfull oath vpon him.

Before the jury brought in their verdict on the said action, proposition was made that the plaintiffe and defendant might haue a few wordes together, and the sequele therof was, that the said Captaine Fuller did acknowlidg as followeth : —

Notwithstanding I remember not that euer I tooke any oath to Trustrum Hulls will before M^r Hinckley, yett doe blame my self for my ouer confidentnes therin, and am truely sorry that therby I haue spoken any thinge that hath any reflection vpon the said M^r Hinckley, as to his vnfaithfullnes, concerning his attest therto and record therof, hauing noe ground for soe to judge of him, and doe promise for the future to forbear any such reflection on him concerning the said oath. This acknowledgment was accepted, and soe the controuersye ended, hee, the said Captaine Fuller, paying the charge.

Isacke Barker complained against Wiltam Tubbs, Seni^r, and Dorothy, his wife, in an action of defamation and slaunder, to the damage of fifteen

pounds, for that the said Willam and Dorothy hath sometime since Nouember last said and reported that the said Barker hath said and threatened that hee would ruinate them, viz^s, the said Willam and Dorothy, root and branch, wherby the said Barker is greatly reproached and damnified. 1673-4.

4 March.
PART I.

This was withdrawne.

*John Perry, of Scittuate, complaineth against Willam Tubbs, Senir, of Duxburrow, in an action of the case, to the damage of one hundred pounds, for that the said William Tubbs, since the first day of this instant January, hath published and reported that the said John Perry hath said that hee cared not a surreuerence for the God, nor neuer a magistrate in the collonie, wherby the said John Perry is damnified, and thervpon bringeth this action. [*179.]

The jury find for the defendant.

Isacke Little, and Ephraim Little, both of Marshfeild, complained against Leiff Peregrine White, John Dingley, and Willam Foard, Junir, all of Marshfeild aforesaid, in an action of the case, to the damage of thirty pound, for that the said Peregrine White, John Dingley, and Willam Foard, being assembled together since the twenty first day of December last past, did wrongfully enter into and vpon the land of the said Isacke and Ephraim Little, viz^s, a certaine pcell of land formerly graunted vnto John Waterman, and purchased of him by Thomas Little, deceased, father to the said Isacke and Ephraim Little, lying betwixt the land of John Phillipps and Joseph Roes and diuers others, as may appeer vpon record, and marked diuers trees, vpon pretence of laying out land to the said John Phillipps and Joseph Roes.

Withdrawne.

The Names of the Jury.

sworne.	{	Mr James Walker,	}	sworne.	{	John Rogers, Senir,
		Mr Will ^m Clarke,				John Tracye,
		Mr Joseph Bradford;				Gorge Bonum,
		Mr John Browne,				Jabez Howland,
		Mr Francis Combe,				John Bryant,
		Samuell Sprague,				Steuens Skiffe.

1674.

7 July.

PART I.

[*180.]

**Att the Court of his Ma^{tie} holden att Plymouth the 7th Day of
July, Anno Dom̃ 1674.*

BEFORE Josiah Winslow, Esq ^r , Go ^u ,	John Freeman,
John Alden,	Constant Southworth,
Wiltam Bradford,	James Browne, and
Thomas Hinckley,	James Cutworth,
Assista ^{nts} , &c.	

THOMAS PEACHEY, of Charlestowne, in the collonie of the Massachusetts, complained against Wiltam Browne, chyrurjeon, in an action on the case, to the damage of eightey pound sterling, to cecure the said Peachey respecting a bond of forty pounds, wherin hee stands bound with and for the said Browne, for the payment of twenty pounds in mony to Isacke Waldron.

This was withdrawne after some plea made.

Robert Stanford, of Scittuate, complained against Israell Hubbert, of Scittuate, in an action of the case, to the damage of twenty pounds in siluer mony, for that the said Hubbert did refuse or neglect to giue the said Robert Stanford an account of a cargoe of goods committed into the hands of the said Hubbert as agent of the abouesaid Stanford, so^mtime in the yeare 1672, which said cargoe of goods were cooper timber, hoopoles, bolts, and bills of mony, co^mitted to the said Hubbert as aforesaid.

The jury found for the plaintiffe fifteen pounds siluer mony, thirty shillings damage, and the cost of the suite.

Gorge Russell, of Scittuate, complaineth against Samuell Clapp, of Scittuate, in an action of the case, to the damage of six pounds, for that the said Clapp hath not pformed an agreement or couenant made with the said Russell so^mtime in October, 1666, in reference to seting vp a sufficient fence, and maintaining it, the whole fence lying between the then lands of the said Gorge Russell and the said Samuell Clapp, nor yett paying three pounds for his, the said Clapps, neglect, according to couenant, wherby the said Gorge Russell comes to be damnified. The jury found for the plaintiffe a peny damage, and the cost of the suit.

Mr Peter Talmon, of Rhode Iland, complained against Phillip, allies

Wewasowannett, sachem of Mont Hope, or Pocanawket, as heire, adminnestrator, or successor, vnto his brother, or predecessor, Wamsitta Sopaquitt, or Allexander, deceased, in an action on the case, to the damage of eight hundred pounds, forfeiture of a bond of such a vallue bearing date June the 28th, 1661, giuen to the said Peter Talman, oblidging him, the said Wamsitta, allies Allexander, to make good to him, his heires, &c, a deed of gift of a considerable tract of land att Sapowett and places adjacent, as in the said deed is more p̄ticularly expressed, for want wherof the complainant is greatly damnified.

Mammanuah, chieffe propriator of the lands of Saconett, and places adjacent, complaineth against Awashunkes, pretended Squa Sachem of that place, and Wewayewitt, her husband, inhabitants there, in an action on the case, to the damage of fūe hundred pounds, for forcibly detaining the land of the said Mammanewah, att Saconett aforsaid, viz^s, for assembling, together with diuers other Indians, about the middle of March last, vpon a p̄sell of the said land, and then and there, with the healp and assistance of the said assembled Indians, did forcibly molest and hinder the said Mamanuah from giueing posession of a p̄sell of the said land to such of the English, to whome hee had sold the same, by violent binding the said Mamanuah in the same place, insulting ouer and threatening him, whiles hee lay bound before them, indeauoring, as they declared, to cause him to relinquish his title to his said land, notwithstanding hee had fully cleared his title to those lands from their former claime, in his Ma^{ties} Court of this collonie. The jury found for the plaintiffe fūe pounds damage, and the cost of the suite. The Court accepts this verdict. A review was graunted to the defendant on this action.

*Mamanewah and Awashunkes, with their attornies, haue agreed to comitt the lands in controversye between them, att Saconnett and places adjacent, to the Court and jury now in being, and to joyne issue whose the chieffe right is, by such testimonies as shalbe produced.

The jury find for the plaintiffe the chieffest right, and the cost of the suite. This verdict is accepted by the Court.

A review is graunted to the defendant on this action.

The names of the jury that tryed this action, with those foregoing att this Court, were, —

John Tompson,	} sworne.	John Tracye,	} sworne.
Mr Josias Standish,		Steuē Skiffe,	
Mr Samuell Edson,		John Soule,	
John Bryant,		Joseph Howland,	
Joseph Warren,		John Dunham,	
Edward Gray,		Ephraim Little,	

1674.

7 July.
PART I.

[*181.]

1674. *Att the Court of his Ma^{tie} held att Plymouth the 27th of October,*
1674.

27 October.

PART I.

BEFORE Josias Winslow, Esq ^r , Gof ^l ,	John Freeman,
John Alden,	Constant Southworth,
Wiltam Bradford,	James Browne, and
Thomas Hinckley,	James Cudworth,
Assistants, &c.	

JOHN WILLIAMS, of Scittuate, complaineth against John Barker, of Scittuate, attorney or assigne of Samuell Hiland, late of Scittuate, in an action of the case, to the damage of ten pounds, for non payment of three thousand and halfe an hundred of marchantable hogshed stauces and heding, due to the aboue said John Williams, as appeereth by a bill giuen vnder the aboue said Samuell Hielands hand, which bill bears date the seauenth day of December, 1671.

This suite was withdrawne.

Mr Constant Southworth, Treasurer, in the behalfe of the collonie of New Plymouth, complaineth against Mistris Mary Prence, as executrix of the last will and testament of Thomas Prence, Esq^r, late Gof^l of New Plymouth collonie, deceased, in an action of debt, to the damage of one hundred pound, for non payment of a debt of fifty pound, due to the said Treasurer, as appeereth by bill giuen vnder the said Thomas Prence his hand, and became due so^mtime in June last, and beares the date the third of August, 1669.

That because, in the retorne of the warrant, the pson aboue mensioned was not named, nor expresed that this warrant was serued according to the tenore therof, the Court saw cause not to lett this next abouesaid action proceed.

[*182.] *Ensigne Thomas Dexter, Edmond Freeman, Seni^r, and Edmond Perry, as agents for the towne of Sandwich, and in the behalfe of the said towne, complaineth against Samuell Fuller, Seni^r, of Barnstable, in an action of treaspas on the case, to the damage of twenty pounds, for his vnjust entry on their lands att Scauton Necke, so^mtime about July last was two yeares, and did then and their vpon their lands forcibly cutt downe a certaine young tree, in defiance of their title then claimed by their agents, and after warning by them giuen to the contrary. Non suited.

1674.

27 October.
PART I.

Wiltam Nicarson, of Mannamoiett, complained against Thomas Fallen and Samuell Hall, of Yarmouth, in an action of the case, to the damage of twenty pounds, for that the said Thomas Fallen and Samuell Hall, with others, did seize vpon four psells of pyne knotts in the said Nicarson's posesion, when wee had bestowed our labour in spliting the greatest pte of them, and spoiling the feed of the cattle, by breakeing the sward of the ground, and makeing two bottoms to run the pyne knotts vpon, and cutting the turffe of the ground to couer the kills, and carting vpon my propriety without my leaue, when I had twice warned them to the contrary; and this they haue done to my great damage, which causeth mee to complaine against them. Non suited.

Gorge Soule, of Duxburrow, complained against John Peterson, of Duxborrow, aforesaid, in an action of the case, to the damage of an hundred pounds, for better securitie for the payment of a debt of six pounds seauen shillings and thripence due, to haue bin payed the first day of Nouember last, as appeers by a bill bearing date the thirtieth day of July, in the yeare of our Lord 1672; as alsoe for the payment of sixty three pounds twelue shillings and ninepence due, heerafter to be payed att seuerall payments, as by seuerall bills of the aforesaid date appeereth, which said sume of seauenty pounds, being behind and vnpayed, is pte of the sume of eighty pounds contracted to be payed by the said John Peterson to the said Gorge Soule, for the purchase of a certaine tract of land lying in Powder Point, in Duxburrow, aforesaid, att the time of the said purchase of the lands of and in the occupation of the said Gorge Soule, and now in the occupation of the said John Peterson and the said Gorge Soule.

The jury find for the defendant the cost of the suite.

Cornett Robert Studson, of Scittuate, complained against Thomas Joy, of Hingham, in an action of the case, to the damage of one hundred pound, for that the said Joy did say and report seuerall times since January last past, that the saw mill of Cornett Robert Studson, which standeth in Plymouth collonie, neare Scittuate, standeth on the land of the said Joy; and for saying and reporting that the said sawmill was his, the said Joyes, and standeth vpon his land; and for that the said Joy did say and forbid any man for meddleing with any thinge there without his order, wherby the said Studsons title to the said land and mill hath bin rendered doubtfull, wherby hee comes to be greatly damnified. The jury find for the plaintiffe three pound and ten shillings damage, and the cost of the suite. The bill of costs alowed by the Court on this action is 4^{li} 4^s.

1674.

27 October.
PART I.

The Names of the Jury.

{ John Tompson, Mr Nicholas Byram, Mr Judah Thacher, John Rogers, of Dux ^b , Jun ^r , Serg ^t Ephraim Tinkham, Willam Hoskens, }	} sworn.	{ Samuell Clapp, James Lewis, John Richmond, Jeremiah Hatch, Jabez Howland, Hugh Cole, }	} sworn.

1674-5. *Att the Court of his Ma^{tie} holden att Plymouth the 2^{cond} of March,
1674.

2 March.

[*183.]

BEFORE Josias Winslow, Esq ^r , Gof ^r ,	John Freeman,
John Alden,	Constant Southworth,
Willam Bradford,	James Browne, and
Thomas Hinckley,	James Cudworth,
Assistants, &c.	

ENSIGN JOHN WILLIAMS, of Scittuate, complaineth against Samuell Hieland, late of Scittuate aforsaid, in an action of the case, to the damage of twelue pounds, for not sattisfying a debt of three thousand and half an hundred of hogshed staues and heding proportionable due vpon bill bearing date the seuenth day of December, 1672.

The jury find for the plaintiffe seauen pound damage, and the cost of the suite.

Mr John Gorum, of Barnstable, complained against Abraham Jackson, of Plymouth, in an action of debt, to the damage of nine pound, for non payment of six pound six shillings and six pence, due vpon accompt, as by his book appeereth. The jury find for the plaintiffe six pound six shillings and sixpence debt, and the cost of the suite.

Ensigne Thomas Dexter and Steuen Skiffe, agents for the towne of Sandwich, and in the said townes behalfe, complaineth against Samuell Fuller, Seni^r, of Barnstable, in an action of treaspas on the case, to the damage of twenty pounds, for his vnjust entery on the lands of the said towne of Sandwich, sumtime about July last was two yeare, lying and being att a place comonly called Scauton Necke, and there and then did vpon their

lands cutt downe a certaine younge tree, in defyance of their title then claimed by their said townes agents, and after warning then giuen to the contrary. This action was pleaded to, but it was withdrawne before verdict deliuered in by the jury. 1674-5.

2 March.
PART I.

Mr Wiltam Clarke, of Plymouth, complained against John Andrewes, of the said Plymouth, in an action of the case, to the damage of twelue pounds sterling, for non payment of thirty and two barrells of marchantable tarr, which should haue bine deliuered att the said Wiltam Clarke his ware house in Plymouth, att or before the last day of July, 1673, appears by the said Andrewes his bill vnder his hand.

The jury find for the plaintiffe eleuen pound debt, and damage, and the cost of the suite.

Robin, of Mattachesett, Ralph and Sampson, of Nobscussett, Indians, in the right of their wiues, the daughters of Napoiatan, Indian sachem, deceased, complaineth of much wronge doñ vnto them by reason of sundry Englishmen vnjust possession and detaining of sundry lands belonging to the said complainants, which were the lands of Napoietan aforesaid, and not by him sold vnto them, the said lands lying between Bound Brooke and Stony Brooke, in the constablewicke of Yarmouth, and in p̃ticular complains against John Winge, in an action on the case, to the damage of fifty pounds, for his possessing and detaining wrongfully from them a p̃sell of the said lands, whervpon hee hath built, fenced, and otherwise improued.

This action was nonsuited.

*James Clarke, of Plymouth, complained against Samuell Ryder, of Plymouth aforesaid, in an action of the case, for treaspass, to the damage of fine pounds, for his injurious cutting and carrying away, or causing to be cut or carryed away, the grasse or fodder which grew on the said complainants marsh or meddow, att the pond coñonly called Manomet Pond, for seuerall yeares last past, especially the last mowing season. [*184.]

This action was non suited.

The Names of the Jury.

sworne.	{	Wiltam Paybody, Mr Josias Standish, Leift Thomas Haward, John Wadsworth, Francis Combe, John Tompson,	}	sworne.	{	Joseph Siluester, John Caruer, Wiltam Foard, Junr, Jonathan Shaw, Steuen Bryant, Benjamin Church.	}
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1675.

27 October.

PART I.

*Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdⁱ of
New Plymouth, the 27 of October, 1675.*

BEFORE Josiah Winslow, Esq ^r , Gov ^r ,	John Freeman,
John Aldin,	Constant Southworth,
William Bradford,	James Browne, and
Thomas Hinckley,	James Cudworth,
Assistants, &c.	

WHERAS Richard French, of Marshfeild, as executor of the estate of Richard Beare, deceased, comēced suite against Benjamine Church, of Duxburrow, in an action of debt, to the damage of forty shillings, for a debt of thirty shillings, due to the estate of the said Beare, att the Court of elect men held att Marshfeild March the 29th, 1675, and from that Court obtained a judgment against the defendant for thirty three shillings siluer mony, &c. ; from which judgment the defendant did then enter his appeale, according to law, and gaue bonds to procecute to effect of the next Court of trial held att New Plymouth, &c.

The jury find for the plaintiffe the cost of the suite.

Joseph Kent, of Swansey, complaineth against Nicholas Tanner, of the same towne, for detaining and hindering of him of his right of what hee was accepted to in Swansey, and for withholding a copy of the records of his acceptation, notwithstanding authoritie hath required him therto.

The Names of the Jury.

{ John Tompson, Joseph Warren, Robert Finney, John Rogers, Samuell Dunham,	sworne.	{ Steuen Skiffe, James Pursvall, John Cobleich, John Aimes, William Foard, Jonathan Russell,	sworne.
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**Att the Court of his Ma^{tie} held att Plymouth, for the Jursidiction of 1675-6.
New Plymouth, the seauenth of March, 1675.*

7 March.
PART I.
[*185.]

BEFORE Josiah Winslow, Esq^r, Gov,
John Aldin,
William Bradford,
Thomas Hinckley,

John Freeman,
Constant Southworth,
James Browne, and
James Cudworth,

Assistants, &c.

M^R JOHN MAYO, Juni^r, complained against M^r William Browne, chirurgion, late resedent att Plymouth, in an action of treaspas on the case, to the damage of ten pounds, for the non pfomance of a couenant made with him, the said Mayo, by the said Browne, for the cure of the said Mayos son, as likewise for the non payment of three pounds and nine shillings due to the said Mayo, in New England coyne, as will more plainly appeer by witnes, and specialtie vnder his hand. The verdict is as followeth : If it be legall to put two distinct debts into one action, by a coppulatiue expression, then wee find for the plaintiffe three pounds in mony, and eight shillings damage, and the cost of the suite ; but if not, wee find for the defendant the cost of the suite.

Thomas Baxter, of Yarmouth, complaineth against Timothy Cole, of Eastham, in an action of debt, to the damage of four pound, for non payment of about 57 shillings, or three pounds, in mony, which the said Cole is indebted and hath engaged to pay vnto the said Baxter.

Thomas Baxter owned before the Court that hee claimed noe other debt but the sume of seauen and fifty shillings, or three pounds, expressed in the aboue entered action. The jury find for the plaintiffe three pounds in mony, two shillings damage, and the cost of the suite.

The Names of the Jury.

{ John Tompson, Steuen Bryant, Serj: Tinkham, Jonathan Shaw, Benajah Pratt, Steuen Skiffe, }	sworne.	{ John Rogers, Jni ^r , John Baker, John Howland, John Soule, Thomas Paine, Joseph Woodworth, }	sworne.
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1676.

*Att the Court of his Ma^{tie} holden att Plymouth the first of
November, 1676.*

1 November.

PART I.

BEFORE Josiah Winslow, Esq ^r , Go ^v ,	Constant Southworth,
John Aldin,	James Browne, and
Thomas Hinckley,	James Cudworth,
Willam Bradford,	
Assistants, &c.	

THOMAS HUCKENS complained against Joseph Hull, in an action of treaspas on the case, to the damage of seauen pounds, for his vnjust detaining of thirteen hundred foots of board, which hee gott into his hands in the yeer 1674, belonging to the said complainant, as being the effect and produce of some cargoe sent by him to Pascattaqua, in Aprill, 1674, vnder the trust of Marke Riddley, as by account and assignment from the said Riddley, giuen to the said complainant, and otherwise, doth or may appeer.

The jury find for the plaintiffe thirteen hundred foot of board, or two pounds and twelue shillings, fifteen shillings damage, and the cost of the suite.

The Court allowes to the plaintiffe the bill of cost of one [^] eight shillings.

The Names of the Jury.

sworne.	{	Ensigne Aldin,	}	sworne.	{	Jabez Howland,
		John Tracye,				Benajah Prate,
		John Rogers, Juni ^r ,				Nathaniel Southworth,
		Steuens Bryant,				Nathaniel Winslow,
		Andrew Ringe,				Willam Foard,
		Samuell Dunham,				Josias Snow.

1676-7. **Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdiction of
New Plymouth, the sixt of March, 1676-77.*

6 March.

[*185.]

BEFORE Josiah Winslow, Esq ^r , Go ^v ,	John Freeman,
John Alden,	Constant Southworth,
Thomas Hinckley,	James Browne, and
Willam Bradford,	James Cudworth,
Assistants, &c.	

JOHAN BRYANT, Seni^r, of Scittuate, complained against John James, of Scittuate, in an action of the case, to the damage of one hundred pounds, for that the said John James, since October last, came vpon the land of the said John Bryant Seni^r, in Scittuate, betwixt the now dwelling house of the said Bryant and the dwelling house of the said John James, and runed a line, staked and marked the said Bryants land, saying hee had taken possession of it, which land the said John Bryant bought and hath had quiett possession theroff, some of it about twenty seauen yeers, and some of it about twenty yeers. The jury find for the plaintiffe fue pounds damage, and the cost of the suite. Cost allowed by the Court, 04^u 11^s 06^d.

1676-7.

6 March.
PART I.

John Williams, of Scittuate, complaineth against Edward Jenkins, late constable of Scittuate, in an action of the case, to the damage of four pounds siluer mony, for not giuing the said Williams satisfaction according to execution deliuered to the said Edward Jenkins, (when constable,) which execution was graunted against Nathaniell Turner, of Scittuate, by vertue of seuerall judgments of the Celect Court of Scittuate, in the yeer 1675, and signed by Isacke Chettenden, celect man, by which neglect of the defendant not giueing the plaintiffe satisfaction, the plaintiffe comes to be much damnified.

The jury find for the defendant the cost of the suite.

John Waterman, of Marshfeild, eldest son and heire to Robert Waterman, late of Marshfeild aforsaid, deceased, complaineth against John Mendall and John Phillipps, both of Marshfeild aforsaid, in an action of the case for treaspas, to the damage of one hundred pounds, for entering into and detaining vnlawfully the land of the said John Waterman, viz: a certaine p^rsell of land of about fue and twenty acrees, more or lesse, lying and being att or neare the mouth of the North Riuer, in Marshfeild aforsaid, wheron the said Robert Waterman liued, and wherof hee died seized and possessed, wherby the said land decended vnto his said heire. The jury find for the defendant the cost of the suite.

*James Briggs, of Scittuate, complaineth against John Cushen, celect man, in the behalfe of himselfe and the rest of his maties Celect Court of Scittuate which were with him, the said Cushen, concerned, in an action on the case, to the damage of three pounds siluer mony, for not deliuering to or posessing off the said James Briggs, with an execution of a judgment of his maties Court held att Scittuate the 29th of May, 1675, in which action James Briggs, of Scittuate, complaineth against Edward Jenkins, constable, of Scitt-

[*187.]

1676-7.

6 March.
PART I.

uate, in an action on the case, to the damage of fifteen shillings siluer mony, for that the aboue said Jenkins, vnder couller or pretense of his constables office, came into the said Briggs his house, some time this instant May, and did then and there illegally take away a pewter bason of the said Briggs, not makeing legall demand before seizure, and for illegall disposing of the said Briggs bason without legall presure after seizure, wherby the plaintiffe comes to be damnified.

In this case, the Court found for the plaintiffe his bason sued for in this action, or seauen shillings siluer mony, sixpence damage, and the cost of the suite. The cost allowed in this action is sixteen shillings siluer mony, and eight shillings currant mony, of the aboue said John Cushen, select . . . Not deliuering the aboue said complainant an exeçtion of this judgment of Court aboue mentioned, the complainant comes to be damnified.

Non suited.

ll s d

The cost allowed to the defendant is 01 : 04 : 06

Henery Roberts, of Milton, complained against Thomas Ranshall, of Marshfeild, in an action of the case, to the damage of fourteen pounds, for that the said Ranshall, sometime in July, in the yeer (75,) did vnjustly take away, and doth still detain a horse and a bridle, and saddle and saddle cloth, of the said Roberts, wherby hee is damnified as aboue said.

The jury find for the plaintiffe seauen pound and fifteen shillings damage, and the cost of the suite.

ll s d

Cost of this suite comes to 01 : 19 : 00

Mr Nathaniell Thomas and Samuell Sprague, as agents of the towne of Marshfeild, and in the said townes behalfe, complaineth against James Briggs and Nathaniel Tilden, as constables of the towne of Scittuate, in an action of the case, to the damage of sixty pounds, for non payment of forty pounds ten shillings and thripence due from the said towne of Scittuate to the said towne of Marshfeild, as appeereth by an order of the counsell or comittee for regulateing of accoumpts and charges of the warr between the seuerall townes of this collonie, vnder the secretaries hand, and beareth date July the 22^{cond}, 1676, notwithstanding the said constables are ordered and inabled to pay the same. The jury find for the defendants the cost of the suite, which is 01^{ll} 07^s 06^d.

[*188.]

*Humphery Johnson, of Hingham, as successor to Humphery Turner, late of Scittuate, complaineth against Isacke Wilder, of Hingham, in an action of treaspas on the case, to the damage of fue pounds, for makeing vse

of his interest by working vpon timber on the lands of the said town shipp 1676-7.
of Scittuate. Non suited.

6 March.
PART I.

Isacke Wilder, of Hingham, complaineth against Humphery Johnson, of Hingham, in an action of treaspas on the case, to the damage of ten pounds, for that the said Johnson, since the first of January last past, hath cutt and carried off from a lott of land which the said Isacke Wilder bought of John Turner, Juni^r, which land lyeth in Scittuate, and vpon the pattent line.

Non suited.

Humphery Johnson, of Hingham, late of Scittuate, as inhabitant or proprietor in all the land in the townshipp of Scittuate that was undeuided in the yeer 1654, complaineth against Isacke Wilder, of Hingham, in an action of treaspas on the case, to the damage of five pounds, for makeing vse of the interest of the plaintiffe by working on timber on the land in Scittuate townshipp, wherby the plaintiffe is damnified. Non suited.

The names of the jury that serued for the tryall of actions this Court were, —

{ Mr Thomas Huckens, Mr James Walker, John Rogers, John Wadsworth, John Howland, Abraham Jackson, }	sworne.	{ Jabez Howland, Andrew Ringe, John Foster, Jerud Talbut, Steuens Bryant, Joseph Bartlett, }	sworne.
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**Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdiction of New Plymouth, the third Day of July, 1677.*

1677.

3 July.

[*189.]

BEFORE Josiah Winslow, Esq ^r , Goff, John Alden, William Bradford, Thomas Hinckley, Assistants, &c.	John Freeman, Constant Southworth, James Browne, and James Cudworth,
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JOHNS WILLIAMS, of Scittuat, complained against John Barker, of Scittuate, in an action of the case, for vnjust molestation, to the damage of five hundred pounds siluer mony, for that the said John Barker, vnder

1677.

3 July.
PART I.

couller or pretence of order and power from the executors and executrixes of the will and estate of Mr John Alcocke, phisition, late of Roxberry, deceased, hath, some time since May last, illegally possessed himselfe of the habitation and housing of the aforesaid John Williams, in Scittuate, and all the said Williams his estate therein, which habitation and housing is expressed and reserved in a lease made by the abovesaid John Williams, unto the aforesaid John Barker, and for illegall keeping the abovesaid John Williams from his housing and habitation, and from the enjoyment of those comforts which were therein and of right belonged to the said Williams, pte of which estate, if not all, the said Barker hath made vse of, or by his illegall acteings hath had oppertunitie to doe it, whoe declared that hee knew not the said John Williams when hee spake to him, desiring and requiring of him to lett him come into his the said Williams his habitation, by all which illegall acteings of the abovesaid John Barker, the said complainant comes to be damnified. The verdict of the jury is as followeth: If being once possessed, and not legally disposed, giues title to propriety, then wee find for the plaintiffe forty pounds damage, and the cost of the suite; but if not good in law, then wee find for the defendant the cost of the suite.

John Barker, of Scittuate, complained against Capt John Williams, of Scittuate aforesaid, in an action on the case, to the damage of five hundred pounds, for that the said Williams hath vnjustly, in his owne name and behalfe, and to his owne p̃ticular benifitt, hiered out, conveyed, and by lease vnder the said Williams his hand and seale made ouer unto the said Barker an estate consisting of housing and lands within the township of Scittuate, and adjoyning, to Scittuate harbour, as by the said lease, which beareth date January the 4th, 1676, more plainly doth appeer, which said housing and lands the said Williams had noe right unto nor estate in att the time of signing and sealing the said lease, but the said estate was before and att the said time the reall estate of other p̃sons, and not the estate of the said John Williams; wherby the plaintiff is defrauded, and comes to be damnified. This action was withdrawne, as followeth:—

In reference to the issueing of sundry controversies, which haue arisen between Capt John Williams and John Barker, of Scittuate, concerning a lease of a dwelling house and lands in Scittuate aforesaid, with stocke vpon it, giuen by the said Williams unto the said Barker, as by the said lease, bearing date the 4th of January, 1676, appeereth,—it is agreed between the said p̃ties, before and in the p̃sence of the Court, as followeth, viz: Imp^rmis, that the said p̃tyes doe each of them withdraw his action against the other, now

1677.

3 July.
PART I.

depending in this Court, and each of them beare his own charge theratt. 2. That the said John Barker doe and shall, before tomorrow night, deliuer vp vnto him, the said John Williams, or his assignes, the said house, lands, and stocke, with whatsoeuer else hee receiued of the said Williams, in the said lease mensioned, with all the corne now growing, and other fruites or cropp on the said lands, to the quiett and peacable possession and dispose of the said Williams, as when hee first receiued it from him; and alsoe to leaue all other thinges whatsoeuer, which hee hath had the possession of, claimed and before possessed by the said John Williams vnto the quiet and peacable possession of the said Williams, and his free dispose. *Againe, the said John Barker heerby disclaiming that acte of his in posessing himself therof, and disclaiming alsoe that power, or pretence of power, receiued by him from the heires and executors of the last will and testament of Mr John Alcocke, phisition, late of Rocksberry, deceased, wherby hee possessed himselfe therof, as aforesaid; and the said Barker will, if required of him, make oath that hee hath not, by himselfe or by his order, with his knowlidge, taken away, or caused to bee tooke away, out of the said house, any thing left by the said Williams therin, reserueing libertie onely to the said Barker to carry away his owne proper goods. 3. That the said John Williams shall therupon release the said John Barker of all other demaunds about the premises, and deliuer vp the said lease to the said John Barker; and the said Barker to deliuer vp his lease of the premises to the said Williams; and this agreement as abouesaid, to put a finall end and issue to all such controversyes as haue or otherwise might arise between them respecting the premises. In witnes wherof the said Captaine Williams and John Barker haue heervnto sett their hands this sixt of July, 1677.

It is further agreed between them, before signeing heerof, that the said John Barker shall haue a weekes time after the date heerof to remoue his own goods, and to looke vp and deliuer such of the cattle to the said Williams as are not on the farme, and cannot be found tomorrow, and to make vp such as may be lost of any other of the stocke in others of like quallitie and vallue.

JOHN WILLIAMS,
JOHN BARKER.

This agreement was made and signed by John Williams and John Barker, in the open Court of his ma^{tie} holden att Plymouth the sixt of July, 1677.

As attest, NATHANIEL MORTON, Secretary.

[*190.]

1677.

3 July.

PART I.

[*191.]

*John Williams, of Scittuate, as adminestrator or assigne to the estate of Edward Williams, late of Scittuate, complained against Nathaniel Turners, in an action of the case, to the damage of twenty pounds siluer mony, for non payment of two thousand foot of pyne planke, according to engagement due to the Williams, as appeers by a bill giuen vnder the aboue said Turners hand, which bill beareth date December the seuenteenth, 1667, by which non payment of the defendant, the plaintiff comes to be much damnified.

The jury find for the plaintiffe two thousand foot of marchantable pyne planke, to be deliuered as expressed in the specialty, fve shillings damage, and the cost of the suite.

John Williams, of Scittuate, complained against John Palmer, of Scittuate, Seni^r, in an action of the case, to the damage of nine pound siluer mony, due to the said Williams, as appeereth by a bill giuen vnder the said Palmers hand, which bill beareth date the seauenth day of Nouember, 1676, by which non payment the plaintiffe comes to be much damnified.

The jury find for the plaintiffe four pounds ten shillings siluer mony, twelue pence damage, and the cost of the suite.

Isacke Wilder, of Hingham, complaineth against Humphery Johnson, of Hingham, in an action of treaspas on the case, to the damage of twenty pounds siluer mony, for that the said Johnson hath, since the fifteenth day of December last past, cutt and carryed of timber of from the said Wilders land, which land lyeth in Scittuate, vpon the pattent line that goeth betwixt Hingham and Scittuate, which said land the aforsaid Isacke Wilder bought of John Turner, Juni^r, son of Humphery Turner, of Scittuate, deceased, as may further appeer by deed, which land lyeth neare Prospect Hill. The jury find for the defendant the cost of the suite. This verdict was not accepted by the Court.

The defendant, appeering att the adjournment of the Generall Court holden att Plymouth the 10th of July, 1677, desired to know the mind of the Generall Court in answare of this query, viz: whether one and the same pson may be an attorney and a judge in a case. The Courts answare is, that he may not.

The Court haueing weyed and considered the verdict giuen in by the jury on the action aboue comenced and entered, which they then saw cause to demur upon, yett now doe accept therof, and doe graunt judgment thervpon, this 9th day of March, anno Domi 1677-78.

The Names of the Jury.

1677.

Sworne.

{	John Thompson,	}
{	Joseph Warren,	}
{	James Clarke,	}
{	Steuens Skiffe,	}
{	Samuell Dunham,	}
{	Nathaniell Southworth.	}

Sworne.

{	Benjamin Bartlett,	}
{	John Soule,	}
{	Samuell Ryder,	}
{	Ephraim Morton,	}
{	Ephraim Little,	}
{	Mordeca Ellis.	}

3 July.
PART I.

**Att the Court of his Ma^{tie} held att Plymouth the 30th Day of Oc-
tober, 1677.*

30 October.
[*193.]

BEFORE John Alden, Esq^r, Deputie Gov^r,
William Bradford,
Thomas Hinckley,
John Freeman,

Constant Southworth,
James Browne, and
James Cudworth,

Assistants, &c.

TRUSTRUM HEDGGIS, son in law to William Nicarson, Seni^r, of Mannamoiett, complaineth against the said William Nicarson, in an action on the case, to the damage of one hundred pounds, for that the said William Nicarson hath taken vpon him to sell and dispose of certaine lands wherein the said Trustrum hath interest, and refuseth or neglecteth to graunt or make deuision of the said lands, wherby the said Trustrum is deprived or kept from his just share therof, notwithstanding his full payment to the said William Nicarson of his p^{te} of the purchase, or redemption therof, the said lands being that tract of lands which the said William Nicarson bought, altho in his owne name, yett was as well agent or trustee therein for the said Trustrum and his other bretheren therein, the sonnes of the said William Nicarson, of the honored Major Josiah Winslow, M^r Nathaniell Bacon, and Leiftenant John Freeman, attorneys for the rest of their p^{ten}ors, to whom the said lands lying att Mannamoiett were graunted by the Court.

The defendant requested libertie to review this action, and the Court giues libertie therunto.

The jury find for the plaintiffe that the said plaintiffe and his wife are joynt p^{ten}ors with the defendant, William Nicarson, and the rest of his

1677.
 30 October.
 PART I.

children, in the lands contained in the deeds of Major Josiah Winslow, M^r John Freeman, and M^r Nathaniell Bacon, and in the deed of Mattaquason and John Quason, to the said Nicarson and his children, and the costes of the suite. The cost allowed on this suite is 2^{li} 13^s. A judgment was graunted by the Court on this action according to the verdict.

John Williams, of Scittuate, complained against John Bucke, Juni^r, late of Scittuate, in an action of the case, to the damage of ten pounds siluer mony, for non payment of a debt of fiue pounds siluer mony, due to the aboue said Williams for the vse of a shallope which the aboue said Bucke improued of the said Williams since the yeer 1673, by which non payment the plaintiffe comes to be much damnified.

The jury find for the plaintiffe fiue pounds, and ten shillings damage, and the cost of the suite.

Judgment was graunted by the Court, according to the verdict.

John Williams, of Scittuate, administrator to the estate of Edward Williams, late of Scittuate, deceased, complaineth against Daniell Hicke, of Scittuate, in an action on the case, to the damage of fourteen pounds siluer mony, for non payment of six pounds and fifteen shillings, in marchantable cooper staues and heading, due to the said Williams, as appeers by a bill giuen vnder the said Daniell Hicckes hand, which bill beareth date Nouember the 11th, in the yeer 1665, by which non payment the complainant comes to be damnified.

The jury find for the plaintiffe six pound and fifteen shillings in marchantable cooper stuffe att 35^s a thousand, one third p^{te} heading, and other two staues, to be deliuered att Walter Hatches landing place, and the cost of the suite.

[*194.]

*M^r Josiah Hilman, of Boston, marrinor, complaineth, in an action of the case for debt, to the damage of twelue pound, for that John Buck, late of Scittuate, departed this country indebted vnto the said Hilman the sume of six pounds eight shillings and two pence, for goods which the said Bucke receiued of the said Hilman att his shopp in Boston, att senerall times in the yeer one thousand six hundred seauenty and fiue, 76.

The jury find for the plaintiffe six pounds eight shillings and two pence half peny, eleuen shillings and six pence damage, and the cost of the suite.

The bill of cost allowed by the Court on this action is 01 : 15 : 06

Judgment was graunted on this action, according to the verdict.

Ralph Jones, of Barnstable, complained against Thomas Lumbert, of the same towne, in an action of treaspas on the case, to the damage of five pounds, for takeing a hogg out of the said Jones his sty without his leaue, and carrying the said hogg away the twentyeth day of this instant October, contrary vnto law, vnder pretence of being clarke of the milletary companie, and did not make prisall of the said hogg, nor did tender p^rsall to the said Jones.

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PART I.

The jury find for the plaintiffe three pounds damage, to be payed in mony or marchantable porke att mony prise, and the cost of the suite.

Which cost is ¹¹ ^s ^d 2: 01: 06, in siluer mony.

The jury expressed themselues that if any thinge is due to the defendant, as clarke of the milletary company, from Ralph Jones, by that which they haue doñ, they intended not to cutt him off from it by this verdict.

John Williams, of Scittuate, complained against John Cushen, of Scittuate, and John Turner, Junir, of Scittuate, son of Humphery Turner, in the behalfe of the towne of Scittuate, in an action of the case, to the damage of fifty pound siluer mony, for not satisfying him, the said Williams, according to justice and equitie, for his seruice doñ by him and his horses for the abouesaid towne in reference to the late destructive enimie, the Indians, since the yeer 1673, by which non payment of the abouesaid towne of Scittuate the complainant comes to be damnified. The jury find for the defendants the cost of the suite.

Willam Nicarson, of Mannamoiett, complained against Trustrum Hedgis, of Mannamoiett, in an action of the ease, to the damage of one thousand pound, by defaming the title of the lands of the said William Nicarson, in Mannamoiett, in that the said Trustrum Hedgis hath affeirmed and reported to seuerall psons that all said Nicarsons lands are theirs, except one hundred acres graunted to him by the Court, and further saith, and further saying, that they purchased the said lands, paying ten pounds, and that the said Nicarson stole their lands; and moreouer the said Hedgis hath taken vpon him to warn John Sauage, and Edward Cottle, and John Downing, Seni^r, from their habitation, telling them it was his and the rest of his brethrens land, and that the said Willam Nicarson hath nothing to do to sell their lands, and advised them not to pay the said Nicarson, for they should not enjoy it; with other words of like import, vttered by the said Hedgis and his wife, of like import.

This was withdrawne.

1677.

30 October.
PART I.

The Juryes Names.

sworne.	John Tompson,	}	sworne.	Abraham Jackson,
	Capt Benjamin Church,			Encrease Robinson,
	John Wadsworth,			Shuball Dimacke,
	Dauid Alden,			Nathaniel Hall,
	Nathaniel Southworth,			John Gorum,
	Gorge Morton,			Jonathan Higgens.

Mr Nathaniel Thomas was foreman of this jury in seuerall of these actions, in the tryall of them.

1677-8. *Att the Court of his Ma^{tie} holden att Plymouth, for the Jurisdiction of New Plymouth, the fift of March, 1677.

5 March.

[*195.]

BEFORE Josia Winslow, Esq ^r , Go ^l ,	John Freeman,
John Aldin,	James Browne,
Willam Bradford,	Constant Southworth, and
Thom ^s Hinckley,	James Cudworth,
Assistants, and &c.	

WHERAS Willam Nicarson, Seni^r, of Mannamoiett, complained against Trustrum Hedgis, of Mattamoiett, in an action of the case, vpon a review, to the damage of forty pounds, for that the said Trustrum Hedgis haue vnjustley vexed the said Willam Nicarson, Seni^r, by procecuting a suite against him, the last October Court, wherein the said Hedgis charged the said Nicarson that hee had taken vpon himself power to dispose of certaine lands wherein the said Hedgis had interest, and the said Hedgis doth further charge the said Nicarson for refusing or neglecting to make deuision of the said lands, wherby the said Hedgis is depriued or kept from his just share therof, to the damage of one hundred pounds, pretending great damage, to vex his adversary, contrary to the law of this go^ument, as doth appeer ⁱⁿ section the 7th.

Non suited.

11 s d

The charges of this action allowed by the Court is . . 01 : 19 : 6

Willam Nicarson, Seni^r, of Mannamoiett, complaineth against Trustrum Hedgis, of Mannamoiett aforesaid, in an action of the case, to the damage of forty pounds, vpon review of an action procecuted by the said Hedgis against the said Nicarson, att the Court held att Plymouth, October 30th, 1677, in which action the said Hedgis complaineth as followeth : —

1677-8.

5 March.
PART I.

Trusturm Hedgis, son in law to William Nicarson, Seni^r, of Mannamoiett, complaineth against the said Wil^lam Nicarson, in an action of the case, to the damage of one hundred pounds, for that the said William Nicarson hath taken vpon him to sell and dispose of certaine lands, wherin the said Trusturm hath interest, and refuseth or neglecteth to graunt or make deuision of the said lands, wherby the said Trusterum is depriued or kept from his just share therof, notwithstanding his full payment to the said William Nicarson of his p^{te} of the purchase or redemption therof, the said lands being that tract of lands which the said Wil^lam Nicarson bought, although in his owne name, yett was as well agent or trustee therin, for the said Trusturm and his other bretheren, the sonnes of the said Wil^lam Nicarson, of the honored Major Josiah Winslow, M^r Nathaniel Bacon, and Leiftenant John Freeman, attorneyes for the rest of their p^{ten}ors to whom the said lands lying att Mannamoiett were graunted by the Court. In this action last mentioned the jury finding for Hedgis, then plaintiffe, the said Nicarson comes to be damnified, as hee hath aboue complained.

The jury find for the plaintiffe four pounds and ten shillings damage, and the cost of the suite. Wee find that Trusturm Hedgis had right to lands att Mannamoiett, and that hee hath had land there, and doe not find hee hath proued right to more then what hee hath had. The Court accepts of this verdict.

The sūme of forty and four shillings and six pence allowed by the Court for charges of this action, to be payed in siluer mony.

*John Barker, of Barnstable, complaineth against Captaine John Williams, of Scituate, as gaurdian and receiuer of the rents and proffitts of the lands of the said John Barker during his minoritie, in an action of accoumpt, to the damage of two hundred pounds, for that the said John Williams, as gaurdian in soccage, tooke into his custody the said Barker, in the month of March, in the yeer 1657, and from the said time receiued the rents and proffitts of the said Barkers lands, in the towneshipp of Marshfeild, from the seuerall yeerly tenants of the same, vntill the said Barker did ariue att the age of twenty one yeers, which was in the yeer 1672, being fourteen yeers compleat, and therof hath not rendered an accoumpt to the plaintiffe to this day, notwithstanding the said gaurdian hath not improued the estate in educateing and well bringing vp the said heire, but contrariwise did improue the said heire as his servant, about the said Wil^lams his owne servill employments.

[*197.]

The jury find for the plaintiffe an hundred and seauenteen pounds damage, vnless the defendant render to him a faire accoumpt between this and the

1677-8. last of May next, and the cost of the suite, which comes to 4^{li} 06^s 06^d, to be payed in siluer mony.

5 March.
PART I.

In reference vnto the verdict of the jury in the case between John Barker, plaintiffe, and Capt John Wiltams, defendant, in an action of accompt as gaurdian in soccage, which is as followeth, viz^s: The jury find for the plaintiffe one hundred and seauenteen pounds damage, vnles the defendant doe render to him a faire accompt between this and the last of May next, and the cost of the suite. This Court doth appoint the honorable the Go^{vt}, Major Cudworth, and the Treasurer, and for default of either, Mr Thomas Hinckley, auditors, to meet together att Marshfeild, the 15th day of May next, att ten of the clocke, to auditt, heare, and determine the said accompt, together with the cost of the said auditt, and to issue forth executions for the arrearages of the same; and in case the said auditors shall not agree in any matter touching the said accompt, that then any two of them concurring shall haue full power to determine the same.

The Names of the Jury.

sworne.	{	Mr Thomas Huckens,	sworne.	{	Eliezer Churchill,
		Leift Samuell Allin,			John Caruer,
		Leift James Lewis,			Ephraim Little,
		Leift Jabez Howland,			John Sutton,
		Steuens Skiffe,			John Briggs,
		John Soule,			Joseph Wadsworth.

[*198.] *Receipts appointed to be recorded in reference to the foregoing Suit.

Nouember the 11th, (54.) Receiued by mee, John Williams, for the vse of Abraham Blush, of Perrigrine White, the sume of thirty shillings for rent. I say receiued by mee, John Wiltams, which is the one halfe.

JOHN WILLIAMS.

Receiued of William Hincksman for rent and other accompts, att seuerall times, the sume of sixteen pounds and fve shillings and ten pence. Nouember the 9th, 1667.

JOHN WILLIAMS.

The receipt of thirty shillings excepted was for the land hiered by mee, Wiltam Hinksman, of John Sprague, and by him taken of Perregrine White, which White hiered of Anna Barker. Thirty shillings taken out, there remains 24^{li} 15^s, Wiltam Hinksmans rents for 9 year.

WILLAM HINCKSMAN.

Receiued of Gorge Vaughan, in and by the appointment of M^r Perregrine White, the sume of fue pounds and ten shillings, which is for rent due to Anne Barker. I say by mee receiued this 26th of March, 1662. 1677-8.

5 March.
PART I.

JOHN WILLIAMS.

May the 4th, 1660. Receiued by mee, John Williams, of Scittuate, Jun^r, the sume of four pounds and seauenteen shillings, vpon the account of rent of Perregrine White, of Marshfeild. I say, receiued the sume of four pounds and seauenteen shillings. Witnes my hand the day and yeer aboue written.

JOHN WILLIAMS.

Wheras there is mension made in this receipt of ten pounds remaining in William Hincksmans hand, in reference to building, fenceing, &c, wee testify that it is to be vnderstood that the ten pounds there mensioned was discounted and payed by the said Hincksman, in the house, orchyard, and housing, and fences, that hee left on the land, and was soe agreed on by the said Hincksman and his landlord, John Williams, and ought more fully to haue bine expressed in this receipt. Nouember the 15, 1667.

JOSIAH WINSLOW,
PERREGRINE WHITE.

May the 9th, 1656. Receiued of mee, Dolar Daus, by the order of Abraham Blush, of Barnstable, the full and just sume of fue pounds and ten shillings, of Nathaniell Bassett, of Marshfeild, in a cow and yeerling. I say received by mee.

DOLAR DAUIS.

Aprill the 9th, (56.) Receiued by mee, Dolar Daus, of Concord, by order of Abraham Blush, of Barnstable, the full sume of fue pounds and fue shillings, of Peregrine White, of Marshfeild, in a cow and calfe. I say received by mee the day and yeer aboue written, for the which John Wilfañ, of Scittuate, the said Blushes agent, is to giue the said White and Bassett a discharge.

DOLAR DAUIS.

Receiued of Wilam Foard, this 7th of October, in the yeer one thousand six hundred sixty-2, the sume of two pound and seauenteen shillings and six pence, for rent due to Anne Barker. By the order of Nathaniell Bassett. I say by mee receiued.

JOHN WILLIAMS.

1677-8. Receiued of Wilłam Foard for rent, this 28th of October, the just sume
 of four pounds and 9^s. I say by mee receiued, this 28th of October, in the
 6 March.
 PART I. yeer 1665.

By mee, JOHN WILLIAMS.

[*199.] *Receiued of Wilłam Foard, this 10th of October, 1664, three pound
 and 15^s in a beast. I say received by mee.

JOHN WILLIAMS.

I, the deponant, doe heerby testify that on the account of sawing of
 pyne timber, or logs, into boards, which Cap^t John Williams, and his reputed
 cosen, John Barker, brought to the mill, as they told mee, as coe^ptenors, in the
 yeer one thousand six hundred seauenty and fue, the sawing of which, as ap-
 peers by my booke, according to my agreement, came to a just sume of four
 pounds and fourteen shillings and fue pence halfe peny, and after the said
 logges were sawne, I saw the said Williams and Barker deuideing the boards
 which were made of them, and one layed one pte one way, and another the
 other pte another way, the whole pay for which sawing abouesaid I haue had
 of the said John Williams, concerning which the said John Barker asked mee
 since if that I were payed, and I told him that his vnkle had payed mee the
 whole pay, and hee said that hee was a good vnkle. The testimony of Charles
 Stockbridge, aged about 44 yeers, taken vpon oath the last of February,
 1677, before mee.

JAMES CUDWORTH, Assistant.

1678. *Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdiction of
 6 July.
 New Plymouth, the fift of July, 1678.

[*200.]

BEFORE Josiah Winslow, Esq ^r , Go ^u ,	John Freeman,
John Alden,	James Browne,
Thomas Hinckley,	Constant Southworth, and
Wilłam Bradford,	James Cudworth,
Assistants, &c.	

THOMAS CLARKE, of Plymouth, late of Boston, complaineth against
 M^r Constant Southworth, of Duxberry, in an action on the case, to the
 damage of 40^{li}, for that the said Southworth doth detaine and withhold from

the said Clarke one eight pte of the yeerly proffitts of the fishing att Cape Codd, notwithstanding the said Southworth did bargaine and contract, in the year seauenty seauen, with the said Clarke, that the said Clarke should receiue and injoy the eight pte of the said proffitts during the time that the said Southworth and his ptnors had hiered the said proffitts of the collonie, and notwithstanding further the said Clarke hath tendered to the said Southworth rent according to the said contract. This action was withdrawne.

1678.

5 July.
PART I.

John Barker, of Barnstable, complained against John Williams, of Scittuate, in an action on the case, to the damage of one hundred pounds, for that wheras after the said Barker did ariue at the age of fourteen yeers, hee chose the said William his gaurdian, who accepted to continew his gaurdianshipp to the said Barker, and was allowed and appointed by the Court of New Plymouth to be gaurdian to the said Barker, and required by the said Court to bring him vp, in a way of education and learning, soe as might be to his advantage and health when hee should come to be of age, by puting him forth to a trade, as may appeer by a record of the said Court, bearing date October, 1665. The said Williams did contrary wise imploy the said Barker about his, the said Williams, his owne servill imployments, from the said time vntill the said Barker did ariue att mans estate, and did not put him forth to a trade; wherfore this complainant brings his action to the honored Court for releiffe, and prase that hee may haue wages for his seruice done for the said Williams, and damage for his not puting the said Barker forth to a trade.

This action was nonsuted.

John Williams, of Scittuate, complaineth against John Barker, of Barnstable, in an action of the case, to the damage of one thousand pounds siluer mony, for that the aforsaid John Barker hath some time since March last slaunderously reported and defamed the aboue said Williams, by saying that hee, the said Willams, is the wickedest man that euer was vpon the face of the earth. This action was non suited.

The Names of the Jury.

sworne.	Wiltam Paybody, Steuens Skiffe, Andrew Ringe, John Wadsworth, Sergent John Carey, Francis Crooker,	sworne.	Abraham Jackson, Jabez Howland, Nathaniel Winslow, John Willis, Seni^r, Jabez Lumbert, John Bradford.
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1678. **Att the Court of his Ma^{tie} holden att Plymouth, for the Jurisdiction of New Plymouth, the 29th of October, 1678.*

29 October.

PART I.

[*201.]

BEFORE Josiah Winslow, Esq^r, Gov^r, John Freeman,
 John Alden, James Browne, and
 Willam Bradford, Constant Southworth,
 Thomas Hinckley,
 Assistants, &c.

JOHN ROPER, liueing on the easterly syde of Taunton Riuer, on the lands of Job Winslow, complaineth against Samuell Rowland, liueing alsoe att the same place, on an action in the case, to the damage of fifty pounds in mony, for that the said Rowland hath, since the begiining of this instant September, violently forced the said Roper out of his habitation, and haueing possessed himselfe of the estate of the said Roper, doth by force withhold the said estate from the said Roper, to the great injury and damage of this complainant.

The jury find for the plaintiffe forty shillings damage, and the cost of the suite.

Mr James Browne, of Swansey, as attorney for Symon Cooper, chyrrurgion, late of New Port, on Rhod Iland, complaineth against John Cobleich, late of Swansey, in an action on the case, to the damage of ten pounds, for non payment of six pounds and six shillings, due vpon bill bearing date the seauenth of September, 1673.

This was withdrawne.

The Names of the Jury.

sworne.	{	Leiff Joseph Laythorp,	}	sworne.	{	Leiff Robert Barker,
		Edward Jenkins,				Willam Foard,
		John Barker,				Thomas Linkolne,
		John Hawes,				Josiah Snow,
		Gorge Bonum,				James Tisdall,
		John Turner, Seni ^r ,				John Done.

*Att the Court of his Ma^{tie} holden att Plymouth the fift of March, 1678-9.
Anno Doñ 1678.*

5 March.
PART I.

BEFORE Josiah Winslow, Esq^r, Goð,
John Alden,
Thomas Hinckley,
Wiltam Bradford,
John Freeman, and
James Browne,
Assistants, &c.

THOMAS ROBINSON, of Boston, complained against John Bucke, Seni^r, of Scittuate, in an action of the case, to the damage of ten pounds, current mony of New England, due from the said John Bucke, Seni^r, vnto the said Thomas Robinson, as appeereth by a bill, vnder his hand, bearing date the 14th of March, 1678.

Non suited.

The Names of the Jury.

Steuens Skiffe,	} sworn.	Serjẽ Tinkham,	} sworn.
John Tracye,		Samuell Dunham,	
John Wadsworth,		Ephraim Morton,	
Steuens Bryant, Seni ^r ,		Abraham Jackson,	
Eliezer Churchill,		Joseph Dunham,	
Jabez Howland;		John Bryant, Juni ^r ,	

**Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdiction
of New Plymouth, the third Day of July, Anno Doñ one thou-
sand six hundred seauenty and nine.*

1679.
3 July.
[*203.]

BEFORE Josia Winslow, Esq^r, Goð,
John Alden,
Thomas Hinckley,
Wiltam Bradford,
John Freeman,
James Cudworth,
James Browne, and
Daniell Smith,
Assistants, &c.

M^R JOHN POCOCKE and Mistris Mary Pococke, his wife, administra-
trix to the estate of the late deceased John Almey, her husband, of
the towne of Portsmouth, on Rhode Iland, the said John Pococke, and Mary,

1679.

3 July.
PART I.

his wife, inhabiting in the towne of Newport, complaineth against M^r Christopher Almey, of the towne of Portsmouth, on Rhode Iland aforsaid, in an action of the case, to the damage of fifty pounds sterling mony of New England, for that the said Christopher Almey did, about two yeers since, illegally, and to this time doth, detaine vnjustly from the said Pococke, and Mary, his wife, a tract of lands lying neare a necke of land called and knowne by the name of Puncatest, which lands was the proper estate, in fee simple, of the late deceased John Almey, of Portsmouth, on Rhode Iland. The title therof now belongeth vnto the aforsaid Pococke, and Mary, his wife. Wherby occasion of such vnjust deteynor the said plaintiffes are much damnified.

The jury found for the defendant the cost of the suite.

Wheras Adam Wright, of Plymouth, hath appealed from the award of the celect men of the towne of Plymouth, att a meeting of theires att Plymouth aforsaid, on the ninth day of December, 1678, in the complaint of John Dunham, of Barnstable, against the said Adam Wright, in these words following : —

Viz : Wheras John Dunham, of the towne of Barnstable, in this said collonie, complaineth against you that hee is damnified by you the sūme of thirty nine shillings, for that you have not payed him twenty shillings in mony, or in such pay as is equivolent to mony, which is due to him from you, for cedar bolts, in which case the said celect men did award as followeth, videlecett : New Plymouth, December the 9th, 1678. Att a celect meeting, John Dunhame, of the towne of Barnstable, complainant, and Adam Wright, of the towne of New Plymouth, defendant, wee find for the complainant his debt of twenty shillings, to be payed to him by the defendant, Adam Wright, in mony, or in such pay as is equivalent to mony, and ten shillings damage, and the charge of the tryall; and vpon further hearing, and weary of the said case, att two other meetings of the celect men aforsaid, they awarded the said Adam Wright to pay charges or bolts to the said Dunham, as may appeer by the paper of the said celect men. And wheras the said Adam Wright complaineth that the said celect men, as hee conceiveth, haue not doñ him right and justice in the said case, as by law is requisite, nor gaue true judgment or verdict in the said case, wherfore hee appealeth to his maties Court to be holden att New Plymouth aforsaid, the first Tusday in July next, for justice in the said case.

This appeale was non suited for that, in the procecuton of the said appeale, the attorney did not allow Leif^t Morton, Wiltam Clarke, and Wiltam Crow, in theire procecuton of matters relateing to this case, to be a celect Court.

*Captaine John Williams, and John Briggs, of Scittuate, exhibited a complaint against, and positively charged Edward Jenkins, of Scittuate, aforesaid, that hee, the said Edward Jenkins, about the latter end of February, or in March last past, did feloniously take and carry away five peeces of hewen timber out of theire possession, which they had ceured as agents for the purchasers of the shares of Conahassett lands, and the said complainants stood ready to make good theire charge by testimony to the Court and jury.

The jury found Edward Jenkins not guilty, according to the lawes of England.

Jonathan Eames, of Marshfeild, complained against Mathew Gannett, Junr, of Scittuate, in an action of debt, to the damage of four pound in mony, for the non payment of a debt of forty nine shillings in mony, due to the said Eames from the said Gannett, for a cove, which the said Gannett soñtimes since March last bought and receined of the said Eames.

The jury find for the plaintiffe forty nine shillings siluer mony, twelue pence damage, and the cost of the suite.

In the case between John Pococke, and Mary, his wife, plaintiffes, against Christopher Almey, defendant, and in the case between Jonathan Eames, plaintiffe, against Mathew Gannett, Junr, defendant, —

The names of the jury were, —

sworne.	{	Samuell Luther,	}	sworne.	{	Abraham Jackson,
		John Briggs,				John Rogers,
		Steuen Bryant,				Dauid Alden,
		Ensigne Allen,				Joseph Waterman,
		James Clarke,				Thomas Faunce,
		Thomas Tilden,				John Mendall.

In the case between Capt John Williams and Edward Jenkins, —

The names of the jury were, —

sworne.	{	John Thompson,	}	sworne.	{	Abraham Jackson,
		Encrease Robinson,				John Rogers,
		James Hamben,				Dauid Alden,
		James Clarke,				Joseph Waterman,
		Steuen Bryant,				Thomas Faunce,
		Thomas Tilden,				John Mendale.

Memorandum : that nine shillings was payed by Edward Jenkins to the next aboue named jury, by order of the Court.

1679. **Att the Court of his Ma^{tie} holden att Plymouth, for the Jurisdiction of New Plymouth, the first of Nouember, 1679.*

1 November.

PART I.

[*205.]

BEFORE Josiah Winslow, Esq^r, Go^u,

John Alden,

Thomas Hinckley,

Willam Bradford,

John Freeman,

James Cudworth,

James Browne, and

Daniel Smith,

Assistants, &c.

M^R THOMAS CLARKE, resedent att Plymouth, one of the old comers, as may appeer vpon record, complaineth against Mr John Freeman, Seni^r, of Eastham, in an action of the case, to the damage of fifty pounds, for that the said John Freeman, so^metime in June last, did pull vp a stake, which was a bound marke of the land of the said Thomas Clarke, which said land lyeth on the easterly syde of Satuckett Riuer, att or in a place co^monly called the Old Indian Field, within the ward of the constable of Eastham.

The jury find for the plaintiffe ten shillings damage, and the cost of the suite. The Court accepted the verdict. The su^me of three pound ten shillings and six pence allowed for cost of the suite.

James Willett, of Swansey, complaineth against Leiftenant Peter Hunt, of Rehoboth, in an action of the case, to the damage of two hundred pounds, for non payment of the su^me of one hundred pounds in mony, or the vallue therof, due vnto him, the said James Willett, by vertue of a promise or agreement made by the said Peter Hunt, vnto him, the said Willett, grounded vpon and in consideration of his marriage with Elizabeth, the daughter of him, the said Hunt, and by him giuen to the said Willett in p^{te} of a portion with the said Elizabeth ; wherof haueing fayled, —

The jury found for the defendant the cost of the suite.

Willam Nicarson, Seni^r, of Mannamoyett, complaineth against Josiah Cooke, Seni^r, of Eastham, in an action of the case, to the damage of three pounds, for that the said Cooke did take from the said Nicarson one .paire of andjrons and one siluer dram cupp, which hee had purchased for his houshold nessesities ; and this the said Cooke did vnder couller of his office, for hee said hee was the constable of Eastham, and shewed him, the said Nicarson, his black staffe ; and his demand was six shillings and seauen pence halfe peny, which Cooke said was the first p^{te} of the rate hee demaunded ; and the andjrons

cost the said Nicarson twelue shillings, and the siluer dram cupe fue shillings; and this Cooke did some time in Febrewary last past, and hath not returned his goods to him againe, wherby the said Nicarson is much damnyed for the want of them, which causeth him to complaine.

The jury find for the defendant the cost of the suite, *li s d*
which comes to 1:12:06

1679.
1 November.
PART I.

The Names of the Jury.

sworne.	{	Mr John Thompson,	{	sworne.	Justus Eames,
		Leiftenant Samuell Allin,			John Wadsworth,
		Mr Samuell Saberry,			Jabez Howland,
		Ensigne John Haward,			Joseph Siluester,
		Steuen Skiffe,			Abraham Jackson,
		Ensigne Thomas Leonard,			Encrease Robinson.

**Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdiction of New Plymouth, the 2^{cond} Day of March, Anno Doñ 1679-80.*

1679-80.
2 March.
[*206.]

BEFORE Josiah Winslow, Esquire, Goñ, John Alden, Thomas Hinckley, Willam Bradford,	John Freeman, James Cudworth, James Browne, and Daniell Smith,
---	---

Assistants, &c.

EDWARD JENKENS, of Scittuate, complaineth against Cap^t John Willames and John Brigges, both of Scittuate, in an action of the case, to the damage of two thousand pounds sterling, for that the said Williams and Brigges hath malliciously conspired against and falsly appealed or accused the said Jenkins of fellonie, and procecuted there said conspiracye and false appeale, vnder the pretence and couller of law, vntill the said Jenkins was legally acquitted of the said surmised fellonie by due course of law, viz: that the said Wikiams and Briggs did conspire, and by agreement between them, on the 22^{cond} day of March, 1679, went to the house of Major James Cudworth, one of the majestrates of this jurisdiction of New Plymouth, and to the said majestrate complained and falcly pretended that fue peices of hewen timber was felloniously taken out of their posession, and importuned

1679-80.

2 March.
PART I.

the said majestrate for a warrant to the constable to serch for the same, which haueing obtained and deliuered to the constable, the said constable, vpon serch, found fve peeces of timber in the said Jenkins his feild, which the said Williams pretended to be timber feloniously taken out of theire posession; whervpon the said constable aprehended the said Jenkins, and carryed him as a fellow before the said majestrate, and then and there the said Williams and Brigges did vehemently accuse him, and positiuely charge the said Jenkins with feloniously takeing the said timber, though cautioned by the said majestrate to the contrary, and importuned the said majestrate to bind the said Jenkins ouer to the next Court of tryalls, to answare the said accusation; and att the said Court, the said Williams and Brigges came, and then and there caused a bill to be drawne against the said Jenkins, in these words, viz^t: In the third day of July, 1679, Cap^t John Williams and John Brigges, of Scittuate, exhibited a complaint against and posetiuely charged Edward Jenkins, of Scittuate, aforsaid, that the said Edward Jenkins, about the latter end of February, or in March last past, did feloniously take and carry away fve peeces of hewen timber out of theire posession, which they had cecured as agents of the shares of Conahassett lands. And the said complainant stands reddey to make good theire charges by testimony to the Court and jury, and accordingly procecutet the said charge by strongly or vehemently impleading the said Jenkins, and produceing diuers testimonies to render him guilty of theire said accusation to the Court and jury; by which malisious conspiracye and falce appeale the said Jenkins hath bin sore greiued, and his family rendered infamous, and much damnified in his estate.

The jury find for the plaintiffe twenty pounds sterling, by which the jury intend twenty pounds New England mony, or the vallue therof. The Court accepts this, and the cost of the suite.

The Names of the Jury.

sworne.	Leiftenant Joseph Laythorp,	} sworne.	John Woodcocke,
	Leiftenant Joseph Howland,		Samuell Ryder,
	Nathaniel Winslow,		Nathaniell Wiltams,
	Charles Stockbridge,		John Tracye,
	Joseph Wadsworth,		Wiltam Hoskins,
	John Titus,		Isacke Cushman.

[*207.]

*Wiltam Paybody complaineth against Mistris Sarah Parke, of Duxburrow, aforsaid, in an action of treaspas, to the damage of forty pound sterling, for that the said Sarah Parke, so^mtime in October last, did pull vp

1679-80.

2 March.
PART I.

and deface the bound markes of the said Paybodyes land, and made claime to the said land, which said land lyeth on the easterly syde of the Eagles Nest Creeke, in Duxburrow aforsaid, and between the lands that was sofitimes the lands of M^r Wīlam Brewster, deceased, and the lands that were sofitimes the lands of Francis Sprague, deceased, and which said land was formerly the eastermost end of Richard Mores land.

The jury incapasitated to find either for the plaintiffe or the defendant, vntill the judges of the law haue determined whether the law alledged by the defendant be a barr in law against the plaintiffe, (or noe.)

Wīlam James, of Scittuate, complaineth against John Turner, Seni^r, and Lydia James, both of Scittuate, as adminestrators to the estate of John James, of Scittuate, lately deceased, in an action of the case, to the damage of forty fue pounds siluer mony, for the non payment of thirty four pounds, or therabouts, which is due to the said Wīlam James from the estate of John James, deceased sofitime since September, 1677.

The jury find for the plaintiffe his account, and concurring evidences due to him, sixteen pounds siluer mony, seauenteen shillings, nine pence, fue shillings damage, and the cost of the suite.

The defendants credit by the plaintiffes accompt and his acknowlidgment, twelue pounds seauen shillings and six pence siluer mony, soe that there rests due to the plaintiffe vpon ballence the sūme of four pound ten shillinges and thruppence, the p̄ticulars in the said plaintiffes accompt which wee find due by euidence, crosed.

li s d

The cost of the suite is 4 : 2 : 6

Robert Barker, Juni^r, of Duxburrow, complained against Josiah Palmer, of Scittuate, in an action of debt, to the damage of fifteen pounds in mony, for the non payment of a debt of seauen pound and ten shillings in mony, due to the said Barker from the said Palmer, which said debt is in p̄te of pay for the one halfe of a shallopp or boate, which the said Palmer bought of the said complainant sometime in September last.

The jury find for the plaintiffe seauen pound and ten shillings siluer mony, a peny damage, and the cost of the suite.

Edward Gray, of the towne of Plymouth, complaineth against John Pococke, of New Port, late of Portsmouth, on Rhod̄ Iland, in the jurisdiction of Rhode Iland and Prouidence Plantations, yeoman, in an action of debt, to the damage of sixteen pounds, for non payment of two hundred and forty

1679-80. waight of good marchantable sheeps woole, due to the said Edward Gray, and should haue bine payed to the said Edward Gray, or his order, att or before the first of October, 1677, att the signe of the Swan, in Plymouth aforesaid, as may appeer vpon bill vnder the said Pocockes hand, and dated the sixteenth of August, 1677.

2 March.
PART I.

The jury find for the plaintiffe 20^{li} of marchantable sheeps wool, two shillings damage, and the cost of the suite.

[*208.] *Mr John Smith, Seni^r, and Steuen Skiffe, both of Sandwich, complained against John Blackwell, of Sandwich aforesaid, in an action of the case, to the damage of nine pound siluer mony, for that the said John Blackwell, in the yeer 1678, being then constable of Sandwich, did receiue of the said plaintiffes, or from their order, the sume of four pounds two shillings and six pence in mony, on the condition heerafter expressed, viz^t: that the publicke meeting house in the said towne should onely be made vse of for the publicke worshipp of God, and for noe other vse, on which said condition the said Blackwell did alsoe receiue mony of seuerall other psons not mensioned in this action; yett, notwithstanding, the said Blackwell, contrary to the said condition, in the yeer 1679, during the time of his constableshipp, did vnlocke and open, or cause to be opened, the dores of the said house, and therein did hold a towne meeting, for the transaction of cecular towne affaires; and doth alsoe neglect or refuse to returne to the plaintiffes their said sume of mony, wherby they are damnified, as is aboue expressed. The jury find for the plaintiffes four pound 2 shillings six pence siluer mony, fve shillings damage, and the cost of the suite. The cost of the suite is 3^{li} 1^s 0.

Withdrawne. Edward Gray, of Plymouth, complaineth against Robert Ransonsome, of Lakenham, in the said towne, in an action of the case, to the damage of sixteen pounds, for non payment of eight pounds in porke, att prise currant, att the house of the said Edward Gray, att Plymouth, and became due to the said Gray for two lotts of land att Namaskett, which the said Ransom hiered of the said Edward Gray, as may appeer by an instrument vnder the said Ransoms hand.

Withdrawne. Richard Thayer, of Braintree, complaineth against Encrease Robinson as adminestrator on the estate of M^r John Paine, of Boston, in an action o' debt, to the vallue of an hundred & 2 pound eight shillings and eight pence as appeereth by a county Court judgment held at Boston, Aprill 27, 1675.

Ensigne Thomas Dexter, of Sandwich, and Elizabeth, his wife, complain

eth against Robert Lawrance, of Sandwich aforesaid, in an action of trespass vpon the case, to the damage of ten pounds, for that the said Robert Lowrance did, sofitime in this instant February, forcably enter vpon and cutt downe a tree or trees vpon a certaine p̄sell of land of right belonging to the said Elizabeth, by vertue of a deed of gift to her, giuen and graunted by Quachattasett Sachem, and true propriator therof, the said land lying and being att or near a place cōmonly called Pocasset, within the constablericke of Sandwich aforesaid, and that the said Robert did, in defiance of the title of the said Thomas, and Elizabeth, his wife, vnto the said parsell of land.

1679-80.

2 March.
PART I.

The verdict of the jury : If Indian testimony be good in law, wee find for the plaintiffe five shillings damage, and the cost of the suite ; but if not good in law, wee find for the defendant.

The charges of the suit is three pound, which was ordered by the Court to the plaintiffe.

**Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdiction
of New Plymouth, the sixt of July, 1680.*

1680.

6 July.

[*209.]

BEFORE Josiah Winslow, Esq^r, Go^v, and
Thomas Hinckley, Esq^r, Deputie Go^v,
John Alden,
Wiliam Bradford,

John Freeman,
James Browne,
James Cudworth, and
Daniell Smith,

Assistants, &c.

RICHARD THAYER, of Braintree, complaineth against Encrease Robinson, of Taunton, as adminestrator to the estate of M^r John Paine, deceased, in an action of debt, to the vallue of an hundred and two pounds eight shillings and eight pence damage, as appeers by a county Court judgment held att Boston Aprell 27, twenty seauen, 1675.

The jury find for the plaintiffe one hundred and two pounds eight shillings and eight pence, and the cost of the suite.

Benjamin Bosworth, Seni^r, of Hull, in the Massachusetts collonie, complaineth against John Turner, Seni^r, of Scittuate, the eldest John, and son of Humphery Turner, deceased, in an action of the case, to the damage of ten pounds siluer mony, for that the said Turner, sumetime since last Aprill

1680.

6 July.

PART I.

last, tooke vp a stray horse of the said Bosworthes, and contrary to the law of this collonie of New Plymouth.

The jury find for the defendant the cost of the suite.

Joseph Thorne, of Scittuate, complaineth that hee hauing built a sloop at Conahassett, att the place where Wilkam James formerly built, the which sloop the said Thorne built on the accompt of an engagement made between the said Thorne and John Brooke, of Scittuate, as appeereth by articles of agreement vnder theire hands, bearing date October the seauenth, 1678, which sloop was lanchd about October, 1679, and the said sloop was taken away and improued without either deliuery or allowance of the said Thorne, and without any due accompt or meet satisfaction made to the said Thorne about building the said sloop. This action was not tryed.

John Peirse is allowed by the Court the sūme of 5^s as a witnes to the said suite of Joseph Thorne, if it had goñ on.

John Wilkams and John Briggs, both of Scittuate, in the collonie of New Plymouth, complaineth against Edward Jenkins, of Scittuate, in the collonie aforesaid, in the reueiw of an action procecut by the aforesaid Jenkins. Att a Court of his ma^{tie} held att New Plymouth, March, one thousand six hundred seuentie nine or eighty, the said Jenkins recouered a verdict of twenty pounds sterling, and cost of the suite. By the said illegall procecuton of the said action, the plaintiffes conceiues the Court and jury was misled, to the great damage of the plaintiffes ; wee shall now indeauer to make it appeer, and therfore doe now complaine for tryall of review of the action, which action is as followeth : —

Edward Jenkins, of Scittuate, complaineth of John Williams and John Brigges, both of Scittuate, in an action on the case, to the damage of two thousand pounds sterling, for that the said Wilkams and Briggs hath maliciously conspired against, and falcely appealed or accused the said Jenkins of fellonie, and prōcuted the said conspiracy or falce appeale vnder pretence and couller of law, vntill the said Jenkins was legally acquitted of the same surmised fellonie by due course of law, viz^z : that the said Wilkams and Brigges did conspire, and by agreement on the 22^{cond}, 1679, went to the house of Major James Cudworth, one of the majestrates of this collonie of New Plymouth, and to the said majestrate complained and falcely pretended that fīue peeces of hewen timber was felloniously taken away out of theire posession, and importuned the said majestrate for a warrant to the constable,

the said constable to serch for the same, who haueing obtained and deliuered to the said constable, the said constable, vpon serch, found fīue peeces of hewen timber in the said Jenkenes feild, which the said Wiltams pretended to be the timber feloniously taken out of theire posession ; whervpon the said constable apprehended the said Jenkins, and carried him as a felon before the said majestrate, and then and there the said Wiltams and Briggs did vehemently accuse and positiuely charge the said Jenkins with feloniously takeing away the said timber, soe cautioned by the said majestrate to the contrary, and importuned the said majestrate to bind the said Jenkins ouer to the next Court of tryalls, to answare the said accusation, and att the said Court the said Wiltams and Briggs came, and then and there caused a bill to be drawne against the said Jenkins, in these words, viz^s : The third day of July, 1679, Cap^t John Williams *and John Briggs, of Scittuate, exhibited a complaint against, and positiuely charged Edward Jenkins, of Scittuate, that hee, the said Edward Jenkins, about the latter end of February or March last past, did feloniously take and carry away fīue peeces of hewen timber out of theire posession, which they had secured as agents for the purchasers of the shares of Conihassett lands, the said complainants standing reddey to make good theire charges by testimony to the Court and jury, and accordingly procecutud the said charge by strongly or vehemently impleading the said Jenkins, and producing diuers testimonyes, to render him guilty of the said accusation to the Court and jury, by which malicious conspiracye and falce apeale the said Jenkins hath bin sore greiued, and hee and his posteritie rendered infamous and much damaged in his estate.

The jury find for the plaintifves twenty fīue pounds, siluer mony, or that which is equiuelent to it, and the cost of the suite ; that is, that heerby Edward Jenkins releaseth the said Wiltams from the execution, and that this verdict shall answare the verdict comēsed by Edward Jenkins, att March Court last, and the charges of this Court.

1680. The Bill of the Cost of John Wiltams and John Briggs, of Scittuate, July Court, 1680.

Item, for entering the action, ...	00 : 09 : 0
Item, for feching the su ^m ons, ...	00 : 02 : 0
Item, for seruing the su ^m ons, ...	00 : 01 : 0
Item, for 1 witnes in Court 3 dayes, ...	00 : 07 : 0
Item, for a copy of the former action, ...	00 : 01 : 2
Item, for coppes of lands, ...	00 : 04 : 6
Item, for writing to the secretary concerning the action, ...	00 : 13 : 0

1680.

6 July.
PART I.

[*210.]

1680.

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PART I.

Item, for a man to bring writings from Rhode Iland, . 00 : 07 : 0
Item, for John Briggs of the particulars 4 dayes this Court, 00 : 10 : 0
Item, for 2 attorneyes, 6 dayes for each man, ... 01 : 10 : 0
This bill of costs, 4 pounds and six shill^s, siluer mony, is allowed by the Court.

John Wiltams, of Scittuate, in the collonie of New Plymouth, complaineth against Samuell Nash, of the towne of Duxburrow, in the collonie of New Plymouth aforesaid, reputed cheiffe marshall of the collonie of New Plymouth, in an action of the case, to the damage of fifty pounds, siluer mony, for that the said Samuell Nash, marshall aforesaid, did on Fryday, about the 16th day of Aprill, 1680, illegally seize on the body of the said Wiltams, and restraints him of liberty vnder couller of his office, by leuying an execution vpon the pson of the plaintiffe, in behalfe of Edward Jenkins, of Scittuate, pretending the execution to be for twenty pounds in mony, or equiualent, three pounds 19^s cost, and charge of the execution, one pound ; all amounted to 24 pounds 19^s ; notwithstanding the plaintiffe had shewed the defendant sufficient of Williams his estate to sattisfy the execution and all cost, before his pson was restrained, yett the defendant did indeauor to force the plaintiffe out of his house, by comaunding men to carry the plaintiff away, by which illegall actings as aforesaid the plaintiue is greatly damnified.

Marshall Nash, his bill of cost against John Wiltams, in the said Wiltams action against the said Marshall.

Att July Court, 1680.

Item, for writing a copy of a summons, ... 00 : 00
Item, his tendance, 5 dayes, ... 00 : 12
Item, to M^r Thomas, an attorney, 5 days, ... 00 : 12
Item, Samuell Sprague, 3 00 : 07
Item, Thomas Jenkins, a witnes, 3 dayes, ... 00 : 07
Item, 1 witnes sworne in Court, ... 00 : 01
Item, to suppenaies for witnesses, ... 00 : 02

[*211.] *John Williams, of Scittuate, in the collonie of New Plymouth, complaineth against Edward Jenkins, of Scittuate, in the collonie aforesaid, in an action of the case, to the damage of twenty pounds, siluer mony, for that the abouesaid Edward Jenkins did soffitimes, in or about October, 1679, vnjustly molest and falcely imprison the plaintiffe by vertue of an attachment caused to be serued by the aboue said Jenkins vpon the body of the complainant, to

1680.

6 July.
PART I.

answare the complaint of the aboue said Jenkins att the Court of his ma^{tie} to be holden att Plymouth the last Tusday in October, 1679, in an action of one thousand pounds, for mallicious conspiracye against the said Jenkins, as hee, the said Jenkins, pretended, and soe caused the plaintiffe to make preparation to answere to his causles complaint and vnjust molestation, by all which vnjust actings, the complainant hath bin much damnified.

By order of the Court, this aboue written action was barred by reason the said Williams received a bill of cost before hand.

Edward Jenkins his bill of cost against John Wiltams, in the said John Williams his action against the said Jenkins, wherein the said Williams was barred as abouesaid.

Item, his owne time, six dayes, ...	00:12:06
Item, for writing a coppye of a subpena, ...	00:00:06
Item, 2 attorneyes; one, 5 dayes, and the other 3 dayes, ...	01:06:00
Item, 1 witnes, 3 dayes, ...	00:07:00
Item, 1 witnes, sworne att hofi, ...	00: 1:06

This bill of two pound and fve shillings is allowed of the Court, and is to be payed in siluer mony.

Mistris Elizabeth Tilden, of Scittuate, late wife of M^r Joseph Tilden, late of Scittuate aforesaid, deceased, complaineth against Robert Stanford, late of Scittuate, but now of Marshfeild, and Nathaniel Turner, of Scittuate aforesaid, in an action of debt to the damage of eighteen pounds of currant siluer mony of New England, for the non payment of the sume of eighteen pounds, of current siluer mony of New England, due from the said Robert Stanford and Nathaniell Turner, to the said Elizabeth Tilden, as may appeer by one bond or instrument, vnder the hands and seales of the said Stanford and Turners, bearing date the 16 day of December, 1671, in which said bond the said Nathaniell Turner, Robert Stanford, and Humphery Turner stand bound joyntly and senerally, for the whole and in the whole, to the said Elizabeth Tilden for the true payment of the said sum.

The jury found for the plaintiffe 18^{li} siluer mony of New England, and the cost of the suite.

M^r Thomas Hinckley, Seni^r, and Leiftenand Joseph Laythorp, of Barnstable, agents for Leiftenant Joseph Laythorp, Barnabas Laythorpe, Kanelme Winslow, and Wiltam Clarke, with others, theire ptenors, the purchassers and sharers of and in the lands of Sepecan and places adjacent, and in theire behalfe, complainants and demaundants, and more p^ticularly in the behalfe of

1680.

6 July.
PART I.

[*212.]

Elizabeth Ellis, widdow, and Joseph Dotey, of Sandwich, with two of the said p̄tenors and sharers, doe complaine against Leiftenant Ephraim Morton, of Plymouth, in an action of treaspas on the case, in a plea of lands, to the damage of two hundred pounds of siluer mony, for that the said Ephraim Morton, vnder pretence of being an agent for the towne of Plymouth, did, with diuers others, on the 12 day of May last past, forcibly enter vpon the lands of the said Sepecan, being the propriators of the said purchasers and sharers therof, purchased of the honored Gofū, Josiah Winslow, Esq^r, and Wilłam Bradford, Esq^r, Treasurer, vnto which they were impowered by the speciall direction, appointment, and order of the Generall Court, as by a deed of enfeofment vnder their *hand and seale, bearing date the 22^{cond} of July, 1679, and otherwise, it doth and may appeer; and hee, the said Ephraim Morton, being the chiefe actor and aider of the rest, did, then and there, on the said lands com̄itt diuers inormities and wronges against the said purchasers and demaundors, and against the publicke peace, by desturbing some of the said purchasers and sharers, being on their occasions lawfull, and in peacable manor forwarning them from the same, as treaspassers, and defaming their title to the said lands soe fairely purchased as aforesaid, and more p̄ticularly did deface the bound markes of the said land of the said Ellis and Dotey, being a pyne tree, marked with two noches on the one syde, and three noches on the other syde, standing neare Sepecan Necke, a little below the rocke house, or wigwam; which forceth vs to bring our action of treaspas against the said enterer, and demaund the said lands by a faire tryall, and pray justice of this honored Court in the said case, com̄iting this issue to the good country, whoe hath the best and truest title to the said lands: wee, the complainants and demaundants, according to our proportions, are the said enterers.

The jury find for the plaintifves twenty shillings damage and the cost of the suite.

The Names of the Jury.

sworne.	{	Steuens Skiffe,	sworne.	Ensigne Jonathan Alden,
		M ^r Samuell Edson,		John Wadsworth,
		Justus Eames,		Joseph Siluester,
		Ensigne John Haward,		Wilłam Swift,
		Serj: John Carey,		Ensigne Leanard,
		Francis Barker,		Wilłam Barstow.

In two or three of the first tryed actions att this Court, Francis Barker serued; but in the remainder hee stood by, and John Hathwey serued in his stead.

[The following act in the original was recorded on a leaf which contains also a record of births. The marriages, births, and deaths were originally recorded in a part of the same volume with the Judicial Acts, the book being inverted for the purpose. On rebinding the volume in December, 1819, the portions containing the Acts were placed together, and the records of marriages, births, and deaths were appended at the end.]

1680.

6 July.
PART I.

*Mr James Willett complaineth against Leiff Peter Hunt, in an action of review of an action of the case, to the damage of two hundred pound, comēced by the said Willett against the said Hunt, att a Court of his Ma^{tie} held att Plymouth in October last past before the date heerof, for non payment of the sūme of one hundred pound in mony, or the vallue therof, due vnto him, the said James Willett, by vertue of a promise or agreement made by the said Peter Hunt, vnto him, the said Willett, graunted vpon and in consideration of his marriage with Elizabeth, the daughter of him, the said Hunt, in pte of a portion with the said Elizabeth, wherof haueing fayled.

[*213.]

The Names of the Jury.

sworne.	{	Leiftenant Joseph Laythrop, Leiff Joseph Howland, Nathaniel Winslow, Charles Stockbridge, Joseph Wadsworth, John Tracye,	}	sworne.	{	Samuell Ryder, John Bradford, Willam Swift, Nathaniel Willams, Willam Hoskins, Isack Cushman.
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[The second part of the volume of Judicial Acts commences here, in the handwriting of Secretary Morton.]

**Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdiction of New Plymouth, the 27th Day of October, Anno Doñi 1680.*

27 October.
PART II.
[*1.]

BEFORE Josiah Winslow, Esq ^r , Goũ, Thomas Hinckley, Deputie Goũ, John Alden, Willam Bradford,	James Browne, James Cudworth, and Daniell Smith,
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Assistants, &c.

MAJOR JAMES CUDWORTH, of Scittuate, complaineth against Cap^t John Williams, of Scittuate aforsaid, in an action of the case, to the damage of three pounds in mony, for that the said Williams, in the month of August, in the yeer 1679, in the towne of Scittuate aforsaid, did vnlawfully seize and posesse himselfe of a mare coult of about a yeer and an halfe old, att

1680.

27 October.
PART II.

the said time, of the said Major Cudworthes, by branding it with the letters I W, which was the said Williams his brand marke, which said colt was of a brownish couller, with a whitish face, and the off foot behind white, and doth still detain the said coult.

The jury find for the plaintiffe forty shillings damage, siluer mony, and the cost of the suite, or the mare in controversy, five shillings damage, and the cost of the suite.

Benjamin Bosworth, Seni^r, of Hull, in the Massachusetts collonie, complaineth against John Turner, Seni^r, of Scitteate, the eldest John Turner, the son of Humphery Turner, deceased, in an action of the case, to the damage of ten pounds, siluer mony, comēced and procecut by the said Bosworths attorney, against the said Turner, att July Court, last past, which action was for that the said Turner soñtime since Aprill, 1679, tooke vp a stray horse of the said Bosworths, and hath vsed and sold the said horse without the likeing of the said Bosworth, and contrary to the law of this collonie of New Plymouth.

The jury find for the plaintiffe six pounds damage, siluer mony, and the cost of the suite.

Francis Baker, of Yarmouth, complaineth against Abraham Hedge, of Yarmouth, in an action of the case, to the damage of twelue pounds, for his not paying the said Baker for one hundred and thirteen tarr barrells, according to the award and determination of Joseph Leythorp and Jonathan Banges, giuen vnder theire hands, the third of August, 1680, as arbetrators, indifferently elected and chosen by the said Hedge and Baker, with theire mutuall submitting and obliging themselues to stand and abide the determination of the said arbetrators, as by the said award and otherwise doth and may appeer.

The jury find for the defendant the cost of the suite.

[*2.]

*John Sutton, of Scittuate, as adminestrator of the estate of John Bucke, soñtimes of Scittuate, aforsaid, and the reputed son of Isacke Bücke, of Scittuate, aforsaid, complaineth against Robert Stanford, of Marshfeild, in an action of the case, to the damage of four pounds and eight shillings, siluer mony, of New England, due vpon bill from the said Stanford vnto the said Bucke, which bill beares date the third day of Nouember, 1675 ; but the said Robert Stanford refuseth and neglecteth to satisfy the same, wherby the said John Sutton, adminestrator, comes to be damnified. Withdrawne.

Robert Standford, of Marshfeild, complaineth against Nathaniel Turner, of Scittuate, aforsaid, in an action on the case, to the damage of eighteen

pounds, for that the said Turner doth neglect or refuse to make payment or meet satisfaction to the said Stanford, for three coves which the said Turner about eight yeer agoe receiued of the said Stanford, by which neglect of the said Turner the said Stanford comes to be damnified as abouesaid. Non suited.

1680.

27 October.
PART II.

Humphrey Johnson, of Hingham, as heire or successor of Humphery Turner and Joseph Turner, both late of Scituate, deceased, complained, in an action vpon the case, against Major James Cudworth, of Scituate, one of the cõmittee, and in behalfe of the rest of the cõmittee, in Scituate, constituted by the honored Court of Plymouth, to deuide the vndeuided lands of Scituate, as may appeer by theire cõmission 16 June, 1671, together with those aded to the cõmittee, all makeing a cõmittee of twelue, as may appeer by the acte of the towne the 4th of December, 1673, and alowed by the Court aforsaid, for that the said cõmittee haue not layed out the plaintiffe seuerall graunts of lands, graunted by the cõmittee aforsaid, to the said Humphery Turner and his heires; one grant of ninescore acres in one thousand six hundred seauenty and one; and two other alotments in 1674, being ten acres of land to each alotment, some of the smale alotments being dubble the seuerall grants, amounting to two hundred acres of land and vpward, by which neglect of the cõmittee aforsaid, in not laying out the seuerall grants as aforsaid, the plaintiffe is greatly damnified. Non suited.

The Names of the Jury.

sworne.	{	John Richmond, M ^r John Thacher, M ^r Edward Gray, Jacob Burgis, Thomas Delanoe, John Bradford,	}	sworne.	{	Benamine Bartlett, John Thompson, Ephraim Morton, Anthonie Eames, John Hawes, John Vinall.	}
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*Wheras Edward Jenkins, of Scituate, att the Court held att New Plymouth, the first Tusday in March last, brought his action against John Williams and John Briggs both of Scituate, aforsaid, in these words: viz^s: Wheras Edward Jenkins, of Scituate, complained against Cap^t John Williams and John Briggs, both of Scituate, aforsaid, in an action of the case, to the damage of two thousand pound sterling, for that the said Williams and Briggs hath maliciously conspired against and falcely appealed the said Jenkins of felonie, and procecuted theire said conspiracye and falce appeale vnder the pretence and couller of law, vntill the said Jenkins was legally acquitted of the said surmised felonie by due course of law: viz^s, for that

[*3.]

1680.

27 October.
PART II.

the said Williams did conspire, and by agreement between them on the 22nd day of March, 1679, went to the house of Major James Cudworth, one of the majestrats of this collonie of New Plymouth, and to the said majestrate complained and falcly pretended that fwe peces of hewen timber was felloniously taken out of their poſsession, and importuned the said majestrate for a warrant to the constable to serch for the same, which haueing obtained and deliuered to the constable, the said constable vpon serch found fwe peeces of timber in the said Jenkins his field, which the said Williams pretended to be the timber felloniously taken out of their poſsession; whervpon the said constable apprehended the said Jenkins, and carryed him as a fellow before the said majestrate, and then and there the said Williams and Briggs did vehemently accuse and possetiuely charge the said Jenkins with felloniously taking the said timber, though cautioned by the said majestrate to the contrary, and importuned the said majestrate to bind the said Jenkins ouer to the next Court of tryalls, to answare the said accusation; and att the said Court the said Wiltams and Briggs came, and then and there caused a bill to be drawne against the said Jenkins in these words, viz^s: The third day of July, 1679, Cap^t John Williams and John Briggs, of Scittuate, exhibited a complaint against and possetiuely charged Edward Jenkins, of Scittuate aforesaid, that hee, the said Edward Jenkins, about the latter end of February, or in March last past, did felloniously take and carry away fwe peeces of hewen timber, out of their poſsession, which they had cecured as agents for the purchasers of the shares of Conahassett land, and the said complainant stands reddy to make good their charge by testimony to the Court and jury, and accordingly procecuted their charge by strongly and vehemently impleading the said Jenkins, and producing testimonies to render him guilty of their said accusation to the Court and jury, by which mallicious conspiracy and falce appeall the said Jenkins hath bin sore griued and vexed, and hee and his family rendered infamous and much damnified, in which action the jury found for the plaintiffe 20^{li} pound sterling, damage, and the charge of the Court; and wheras the said Wiltams and Briggs, att the Court held att Plymouth aforesaid, the first Tusday in July last, brought their action of review of the aforesaid action, pretending that the aforesaid action was illegally procecuted, and the Court and jury misled, as by the said action att large appeered, to which review the jury found for the plaintiffe 25 pound and the cost of the suite; and wheras the said Edward Jenkins still saith his aforesaid action was legally procecuted, and that the Court and jury were not misled on his pte, but that the jury gaue a true verdict therein, saving that they found tō little damage for the said Jenkins, and alsoe complaineth against the said Wil-

liams and Briggs, that the aforesaid action of review, comēnced* and procecut by Wilkams and Briggs, and theire said pretences therin, were vngrounded, as that the aforesaid jury, vpon the review, were misled, to the great damage of the said Jenkins, as hee will yett more fully make to appeer, and therfore prayeth that the aforesaid action of review may be reviewed againe, and therin haue his damages allowed him att the next Court of tryalls.

This action of review was withdrawne before the verdict was brought in.

The names of the jury that went forth on this action of review were,—

sworn.	{	John Richmond, Mr John Thacher, Mr Edward Gray, Jacob Burgis, Jonathan Banges, John Thompson,	}	sworn.	{	Thomas Delanoy, Arther Howland, Anthony Eames, John Hawes, Caleb Nye, Thomas Baxter.	}
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1680.

27 October.

PART II.

[*4.]

*Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdiction of New Plymouth, the first Day of March, Anno Dom̃ 1680-1.

1 March.

[*5.]

BEFORE Thomas Hinckley, Esq^r, Deputy Gof, James Browne,
John Aldin, James Cudworth, and
Wilkam Bradford, Daniell Smith,
John Freeman,

Assistant, &c.

JOSEPH THORNE, of Scittuate, complaineth against John Holbrooke, of Scittuate aforesaid, in an action of the case, to the damage of fifty pounds, siluer mony, for non pformance of a couenant made between the said Holbrooke and the said Thorne, which couenant did concerne a sloop which the said Thorne built, which said sloop the said Holbrooke did take away, or cause to be taken away, from the said Thorne, without any deliuery; the aboue said couenant did beare date October the seauenth, 1678.

The jury find for the plaintiffe thirteen pounds eight shillings and ten pence, siluer mony, forty shillings damage, and the cost of the suite.

The jury likewise declared, that they looked att themselues not concerned, nor meddled with the planks expressed in the couenant, respecting this verdict.

The cost of the suit awarded by the Court to the plaintiffe is 02: 18: 06¹¹

1680-1.

1 March.
PART II.

Wiltam Shirtliffe, of Plymouth, sonne and heire aþarent to Wiltam Shirtliffe, late of Marshfeild, deceased, complained against Mr Thomas Clarke, Seni^r, of Plymouth, in an action of the case, to the damage of twenty pounds siluer mony, for that the said Thomas Clarke and Wiltam Shirtliffe, the father, deceased, held as joynt tenants together, and as vndeuided, a certaine þsell of land, containing about twenty two acres of land, with the appurtenances, lying att a place coṃonly called Puncckateesett, being the second lott (soe called) lying there, wherin the said Wiltam Shirtliffe, deceased, had equall right with the said Thomas Clarke, which right of the said Wiltam Shirtliffe, the father, belonges to the said Wiltam Shirtliffe, the son and heire aforsaid ; yett hee, the said Thomas Clarke, doth vnjustly gainsay, and not pmitt the þtition of the said lands to be made between them, according to law in that case provided, that soe the said heire might come to injoy his right left him by his said father ; and further, that the said Thomas Clarke hath contradicted and publicly defamed the title of said Shirtliffe, the son, vnto the said lands, to his great damage.

The jury find for the plaintiffe the lands sued for, and the appurtenances belonging thervnto, one shilling damage, and the cost of the suite.

Judgment was graunted by the Court according to the verdict ; and the Court haue ordered that an execution shalbe issued out by the Deputy Goſſ, for a deuision of the said land when desired by the plaintiffe, and that the said Shirtliffe, the son, shall haue the posession therof giuen vnto him.

The Names of the Jury that tryed the two aboue entered actions were,—

sworne.	{	Steuens Skiffe,	{	Joseph Bartlett,	}	sworne.
		Leiftenant Joseph Howland,		Nathaniel Winslow,		
		Eliezer Churchill,		Nathaniel Holmes,		
		Ensigne John Howland,		Silas Saers,		
		John Miller,		Samuell Dunham,		
		Gorge Morton,		Samuell Worden.		

[*6.]

*Robert Stanford, of Marshfeild, complained against Nathaniell Turner, of Scittuate, in an action on the case, to the damage of twenty pounds, in mony, for that wheras the said Turner, about nine yeers before the date heerof, did receiue of the said Stanford three coves, which said coves the said Turner doth detain from the said Stanford, refusing to make due recompence to the said Stanford for the said three coves of the said Stanfords, and for the benefitt and proffett that the said Turner hath receiued by his improuement of the said Stanfords coves, euer since the time aboue said of his receiueing of

them, wherby the said Stanford is damnified as abouesaid, and caused to bring his action. Non suited. 1680-1.

1 March.
PART II.

Nathaniel Turner, of Scittuate, complaineth against Robert Stanford, of Marshfeild, in an action of the case, to the damage of ten pounds, siluer mony, for that the said Stanford and Turner did hier a saw mill, joyntly together, of Mistris Elizabeth Tilden, of Scittuate aforesaid, soñtimes since the yeer 1670, and were joyntly and seuerally bound in two bonds, bearing seuerall dates, of eighteen pound, siluer mony, in each bond, to the said Elizabeth Tilden, for the paying of the hier of the said mill; and when both bonds weř due to be payed, the said Turner did pay one of the said bonds, and tooke it in; and the said Standford hath refused or neglected to satisfy the other said bond, and the said Elizabeth Tilden hath sumoned the said Stanford and Turner to July Court last, for non payment of the said bond, and hath obtained a verdict and judgment of Court against the said Stanford and Turner, of eighteen pound, siluer mony, and cost of the suite, by which neglect of the said Stanford, the said Turner comes to be damnified, as abouesaid.

The jury found for the defendant the cost of the suite.

It was mutually agreed by Robert Stanford and Nathaniel Turner, that the charges that did arise by both the actions aboue entered, they and both fully satisfied, soe as to demaund nothing in that respect of each other.

*Att this Court an information and complaint was exhibited to the Court by M^r Thomas Hinkley, of Barnstable, against Phillipp Dexter, of the said Barnstable, labourer, that hee, the said Phillip Dexter, did soñtime this last summer purloyn a certaine younge mare of the said M^r Thomas Hinckleys, of a bayish, redish, or sorrill couller, with a white streake or blase downe the face, by his takeing her away out of the woods, in the said Barnstable, where she vsed to goe in companie with her dam; and the said mare not belonging to the said Dexter, did hee, notwithstanding, appropriate vnto his own vse, by detaining her and marking her with his owne marke, as hee called it, therby to deceiue the owner therof, to the euill example of such like malefactors, contrary to forme of law in such case provided, and against the publicke peace, &c. [*7.]

Hee, the said Phillip Dexter, puting the case vpon a trauers, the jury found him guilty of the breach of his ma^{ties} law of this collonie, chap: the third, page and number the sixt.

And this Court hath awarded the said Phillipp Dexter to pay, or cause to

1681.

7 July.

PART II.

be payed, to the Treasurer, for the breach of his mat^{ies} law, as aforesaid, the sume of fifty shillings, for the vse of the collonie, and vnto the said M^r Thomas Hinckley, for his reparation, damage, and cost, the sume of three pound in currant siluer mony of New England.

The Names of the Jury.

sworn.	Stephen Skiffe,	sworn.	Nathaniel Winslow,
	Ensigne John Howland,		Nathaniel Southworth,
	Joseph Warren,		Nathaniel Holmes,
	Wilłam Brewster,		Silas Saares,
	Leifř Joseph Howland,		Samuel Dunham,
	Eliezer Churchill,		Samuell Worden.

[*9.]

**Att the Court of his Ma^{tie} holden att Plymouth, for the Jurisdiction of New Plymouth, the seauenth of July, Anno Doñi one thousand six hundred and eighty one.*

BEFORE Thomas Hinckly, Esq ^r , Gour,	John Freeman,
James Cudworth, Deputy Gof,	James Browne,
John Aldin,	Daniell Smith, and
Wilłam Bradford,	Barnabas Laythorpe,
Assistants, &c.	

WHERAS M^r Thomas Clarke, Seni^r, of Plymouth, complaineth against Wilłam Shirtley, of Plymouth aforesaid, in an action of review, to the damage of thirty pounds, siluer mony, vnjustly comēced and procecuted by the said Wilłam Shirtley against the said Thomas Clarke, as att his mat^{ies} Court held att Plymouth, the first Tusday in March last past more p^ticularly ^ . The forme or tenour of the said action of the case to be reveiued was as followeth, vizř : Whereas Wilłam Shirtliffe, of Plymouth son and heire apparent of Wilłam Shirtleffe, late of Marshfeild, deceased, complaineth against M^r Thomas Clarke, Seni^r, of Plymouth, in an action on the case, to the damage of twenty pound, siluer mony, for that the said Thomas Clarke, and the said Wilłam Shirtliffe, the father, deceased, held as joynt tenants together, and as vndeuided, a certaine p^ssell of land containing twenty and two acres of land, with the appurteñces, lying att a place comonly called Puncka-teest, being the second lott, soe called, lying theř, wherin the said Wilłam

Shirliffe, deceased, had equall right with the said Thomas Clarke, which right of the said Wiltam Shirliffe, the father, belongs to Wiltam Shirliffe, the son and heire aforesaid; yett hee, the said Thomas Clarke doth vnjustly gainsay, and not pmitt the p̄tition of the said lands to be made between them according to law in that case provided, that soe the said heire might come to injoy his right left him by his said father; and for that the said Thomas Clarke hath contradicted & publickly defamed the title of the said Shirliffe, the son, vnto the said lands, vnto his great damage, as by the said action, and summons therto, on record or file att the said Court, whervnto reference being had, doth or may more fully apeer, by reason wherof the said Thomas Clarke comes to be damnified as aforesaid.

1681.

7 July.
PART II.

The jury find for the plaintiffe three pound and six shillings damage, and the cost of the suite. The cost allowed by the Court is two pound one shilling and six pence.

The jury did declare that the former bill of cost graunted to Wiltam Shirliffe should be still good to him, or the totall sume of that, to pay soe much of the damage giuen in this verdict as the said bill of cost is.

*John Bradford, of Plymouth, complaineth against Mr Wiltam Clarke, Seni^r, of Plymouth aforesaid, in an action on the case, to the damage of twenty pounds in mony, for that wheras Major Wiltam Bradford, father of the said John Bradford, and the said Thomas Clarke, held one lott of land, called Purchase land, in joynt p̄tenorshipp and vndevided, lying on the easterly syde of Satuckett Riuer or Brooke, of ten acres more or lesse, being in number the sixt lott. The said Wiltam Bradford, the father, haueing passed his right and interest in the said land to the said John, the son, the said Thomas Clarke doth vnjustly gainesay and not admitt the p̄tition of the said lott to be made between them according to law in that case p̄vided, that soe the said John Bradford may come to injoy his p̄te by himselfe. [*10.]

The jury find for the defendant the cost of the suite.

	l ^l	s	d
Imp ^r , for Cap ^t Freemans attendance and one attorney,	01	00	0
Item, for feching subpenaes from Barnstā, ...	00	05	0
Item, for Banges his testimony from Eastham, ...	00	10	0
Item, for three testimony in Court, ...	00	04	0
To be payed in siluer mony, ...	01	19	6

*Wiltam Randall, Seni^r, of Scittuate, complaineth against Isacke Tetatan, an Indian, resedent in the townshipp of Barnstable, in an action on the [*11.]

1681.

7 July.
PART II.

case, to the damage of nineteen pounds, for that the said Isacke Tetatan hath neglected or refused to pay, or cause to be payed, vnto the said Wilkam Randall, the sume of nineteen pounds two shillings and six pence in currant New England pay, due to him, the said Randall, as may more fully appeer by an obligation bearing date the fift day of February, 1679, which neglect or refuse of the defendant the plaintiffe comes to be much damnified. The jury find for the plaintiffe nine pound fifteen shillings, and the cost of the suite. The juryes explanation is, they find the forfeiture of the bond, the sume of nine pound and fifteen shillings, and the cost of the suite deducted and payed of it, for three shillings debt and eighteen pence damage of forbearance, and ten shillings for a journey to Barnstable, which, together with the bill of charges, amounts to three pounds, to be payed to the defendant.

For the payment of this said three pound this Court haue deliucred the said Isacke Tetatan in execution to John Allin, of Barnstable, by the consent of the said Wilkam Randall, and Isacke Tetatan, to liue and faithfully serue the abouesaid John Allin, from the eleuenth of this instant July vntill the last day of Nouember next after the date heerof; and, if the said Isacke Tetatan shall wilfully or neglegently absent himselfe from the said Allin without his leaue, then for euery day hee soe absenteth himselfe, this Court doth order him to pay two dayes for one, imediately vpon the expiration of the aforesaid time.

Walter Woodworth, of Scittuate, complaineth against Japhett Turner, of Scittuate aforesaid, in an action of treaspas on the case, to the damage of ten pound, siluer mony, for that the said Japhett Turner, sofm time in May last past, did pull vp a p̄sell of post and raile fence of the said Woodworthes, and threw it downe to the ground, which said fence stood on the said Woodworth swampy, meddowish land, which land lyeth on the northerly syde of the first herring brooke, in Scittuate, between the house of John Turner and Walter Woodworth, by which illegal actings of the said Turner the said Woodworth title is rendered doubtfull, and the said Woodworth depriued of the vse and benefitt of his land aforesaid, wherby the plaintiffe comes to be much damnified.

The jury find for the plaintiffe fīue shillings damage, and the cost of the suite.

The Bill of Cost.

	ll	s	d
Item, for entering the action, ...	00	09	0
Item, for my owne time and attendance four dayes, . .	00	10	0
Item, two attorneyes for 7 dayes, ...	00	17	06
Item, payed to three witnesses, 3 dayes apeece, . . .	01	02	06

Item, 1 witnes att home, ...	00:01:06
Item, for my time in goeing to Muddy Riuer, a journey for witnesses, and one att Boston, and one att Hingham, ...	00:07:06
Item, for pay for them three witnesses, ...	00:04:6
Item, for writing and serueing a subpena, ...	00:01:6

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This bill of cost allowed by the Court is three pound sixteen shillings and sixpence, siluer mony.

*John Bryant, Seni^r, of Scittuate, in Plymouth collonie, complaineth against Humphery Johnson, Caleb Linkhorn, Joshua Linkhorn, both carpentors, sonnes of Little Thomas Linkhorn, (soe called,) Stephen Linkhorne, Seni^r, Thomas Sawyer, all of Hingham, in the Massachusetts collonie, all of the towne of Hingham, or either of them, in an action of the case, to the damage of ten pounds, siluer mony, and for that the psons aforsaid, that is to say, Humphery Johnson, Caleb Linkhorne, Joshuah Linkhorne, both carpenters, sonnes of Little Thomas Linkhorne, (soe called,) Steuen Linkhorn, Seni^r, and Thomas Thayer, or either of them, both made strip and wast by felling, squaring, and carrying away timber from the land of the said John Bryant, in Scittuate, lying neare to a place comonly called Berstowes Tree, some time within this fue yeēs, without any order or approbation of the said Bryant, wherby the said Bryants title is rendered doubtfull, and the complainant comes to be much damnified.

[*12.]

The jury find for the defendant the cost of the suite.

The Court accepted of this verdict.

John Doten, allies Dotey, of Plymouth, complaineth against Nathaniel Southworth, of said Plymouth, in an action of the case, to the damage of fifty pounds, siluer mony, for that the said Nathaniel Southworth hath not pformed his bargaine made with said John Doten, in erecting and finishing a house for said Dotey according to his couenant, and by writing giuen vnder the hand and seale of the said Southworth, bearing date the eight day of May, 1680, and as otherwise doth and may appeer.

The jury find for the defendant the cost of the suite.

Judgment was graunted by the Court according to the verdict.

*John Doten, late constable of Plymouth, complaineth against Robert Ransom, of said towne, in an action of the case, to the damage of fue pounds, for his puting the said Doten to much vnnessesary troubles, expence of time,

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and losse in the execution of his late office of a constable, some time this last yeer past, by the said Ransoms false challenging of a saddle of Nicholas Talbotts, attached by said constable for satisfaction of a fine of said Talbotts, to be his the said Ransoms saddle, and that when the said constable had attached six barrells of tarr, belonging to said Robert Ransom, for satisfaction for his rates vnpayed, the said Ransom, as said constable had reason to conceiue, (as hee saith,) had a hand in rowling away the said barrells to the boat, to be carryed away, which occationed said constable to arest the master of the said boate, that the said barrells of tarr might not be to the defeating of the said constable therof, howeuer in conclusion to issue the debate of that matter; said Ransom ingaged by his promise that hee would pay to John Rickard, the said master, att Boston, that voyage, the sume of twenty and two shillings, in siluer mony, for the said constable; whervpon said constable released said master from the said arest; yett hath not the said Ransome pformed his promise in payment as aforesaid, to the great abuse and damage of the said complainant.

The jury find for the plaintiffe twenty and two shillings debt, two shillings damage, and the cost of the suite.

This bill of cost is two pound thirteen shillings, siluer mony, allowed by the Court.

Robert Standford, of Marshfeild, complaineth against Nathaniel Turner, of Scittuate, in an action vpon the case, to the damage of twenty pounds, for that the said Turner vnjustly detaineth three coves of said Standfords, with theire increase or proffitts, which coves hee deliuered to said Turner, and (as hee saith) ought to haue deliuered them backe againe, or to him, as hee can rationally demonstrate.

This action was barred by a statute, Jacobi 21, for limitation of actions.

The Cost of the Suite.

For the said Nathaniel Turner, for himself and two	}	ⁿ 01:07:06
attorneyes, ...		
For two euidences taken in the Court, ...		00:02: 0
For writing of 2 subpenaes, ...		00:01: 0
To be payed in siluer mony, ...		01:10: 6

[*14.] *Wheras, att the Court of his ma^{tie} holden att New Plymouth the first Tusday in March last past, Joseph Thorne, of Scittuate, complained against John Holbrooke, of Scittuate aforesaid, in an action on the case, to the damage of fifty pound, siluer mony, for non pformance of a coueñt made between the said Holbrooke and the said Thorne, which couenant did concerne a sloop

which the said Thorne built, which said sloop the said Holbrooke did take away, or cause to be taken away, from the said Thorne without deliury. The aboue said couenant did beare date October the seauenth, 1678. And the said Thorne obtained a verdict of jury, and judgment of Court, for thirteen pound eight shillings, siluer mony, forty shillings damage, and the cost of the suite, which cost allowed was two pound eighteen shillings and sixpence, siluer mony.

The jury likewise declared that they looke att themselues not concerned, nor meddled with the planks expressed in the couenant, respecting this verdict, by which the said Holbrooke complaineth that hee is much injured and damnified, and that the Court was misled by the former tryall, and hath obtained an action of review of the aboue said action, to the damage of sixty pound, siluer mony. The jury find for the plaintiffe fifteen pounds eight shilling and ten pence damage, in siluer mony, and the cost of the suite, and the cost of the former suite. The cost allowed by the Court on the aboue written suite is six pound and ten shillings, siluer mony.

The Names of the Jury that went on the foregoing Suites att this Court.

sworne.	{	Stephen Skiffe,	}	sworne.	{	Mr Ralph Thacher,	}
		Joseph Howes,				Serjant Eph: Tinkham,	
		James Hamblen,				John Richmond,	
		Stephen Bryant,				Willam Foard,	
		Willam Hoskens,				Jonathan Shaw,	
		Samuell Dunham,				Shuball Smith.	

*Mr Nathaniell Thomas, of Marshfeild, iu behalf of himself, and as attorney vnto Edward Gray, Christopher Almey, Job Almey, Benjamine Church, Thomas Waite, Daniel Wilcockes, and Willam Manchester, late purchassers of the land att Pocassett and places adjacent, complaine against David Lake, inhabitant on or about Nunnaquoquitt, or Pocassett, in the collonie of New Plymouth, in an action on the case, to the damage of five hundred pounds in mony, for that the said Lake, in the month of May, in the year 1680, neare to the riuier called the Fall Riuier, in the said collonie of New Plymouth, did interrupt, molest, and hinder the said complainants from takeing or receiueing quiett and peacable possession of the said lands att or neare the said Fall Riuier, which they had right to haue and take posession off, by his, the said Lakes, forcable takeing and puling the turffe and twigg out of the hands of Joseph Church, attorney to the sellers of the said land, which hee had cutt vp to deliuer to the said complainants, the said Lake declaring hee did the same in defiance to the said attorney, giueing posession to the

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said complainants of the said land, the said Lake pretending title in the behalfe of himselfe and others to the same; by which interruption and mollestation of him, the said Lake, and his pretended title to the said land, the said complainants haue bin kept out of the possession of the said land, and hindered from deuiding and settleing of the same with inhabitants, and since which time great wast and spoyle of timber that was growing on the same hath bin made, to the damage of the said complainants.

The jury find for the plaintiffe five pound damage, and the cost of the suite.

Henery Ewell, of Scittuate, complaineth against Joseph Siluester, of Scittuate aforesaid, in an action of the case, to the damage of ten pounds, siluer mony, for that the said Joseph Siluester, some time in the year 1680, did make and signe, together with Thomas Kinge and John Bryant, an illegall rate bearing date December the eight, 1680, and vnder cullor of law comitt, or cause to be comitted, to the constable or constables of Scittuate, with a warrant from authoritie to gather the said rate, in which said rate the name of the abouesaid Ewell is there inserted, and his pretended proportion therein expressed, and required of him, the said Ewell, whoe, not discovering his estate to that purpose, had his body seized, imprisoned, and kept in durance, to the hassard of his body, lose of time, great expences, and destractions of his family, by all which the said Ewell is greatly damnified. This action was nonsuited.

The Names of the Jury.

{ Cap ^t Jonathan Sparrow, John Blackwell, John Bryant, M ^r Ralph Thacher, Wiltam Clarke, Serjeant Harlow,	} sworn.	{ Joseph Howes, James Hamblen, Steuen Bryant, Jonathan Barnes, Wiltam Hoskins, Jonathan Shaw,	} sworn.
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[*16.]

*Zachariah Allin, late of the towne of Sandwich, in the year 1679, convicted before Thonⁿ Hinckley, Esquire, Gou^r, by the testimony of sundry Indians, that hee hath, contrary to the wholsome lawes of this g^rment, trucked, or furnished, or procured, or helped sundry of them with some quantyties of stronge liquors att seuerall times, &c, according as by warrant and examination may appeer. The said Zacheriah Allin desiring a trauis, it was comitted to the jury, and the verdict of the jury is as followeth, viz^t: According to our law wee find him guilty, as appeereth chap^t 14th of our Booke of Lawes, section the 7th. The Court therupon declared the centance

of said Zacheriah Allin, according to said law, is to pay twenty-five pounds for his fine; yett, notwithstanding, being not willing to goe to the extremity therof, doe determine that if hee doe forthwith pay the sume of twelue pounds and ten shillings, in siluer mony, the Court will rest satisfied therwith; but if otherwise, then that the whole twenty five pounds is due, to be exacted of him.

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The Names of the Jury that went on this Triall.

sworn.	{	Cap ^t Jonathan Sparrow,	}	sworn.	{	Joseph Howes,
		John Blackwell,				James Hamblen,
		John Bryant,				Stephen Bryant,
		M ^r Ralph Thacher,				Jonathan Barnes,
		Wil ^m Clarke,				Wil ^m Hoskins,
		Serjeant Wil ^m Harlow,				Jonathan Shawe.

**Att the Court of his Ma^{tie} holden att Plymouth, for the Jurisdiction of
New Plymouth, the 27th of October, 1681.*

27 October.

[*19.]

BEFORE Thomas Hinckley, Esq^r, Gou^r, James Browne,
John Aldin, Daniell Smith, and
Wil^m Bradford, Barnabas Laythorpe,
John Freeman,

Assistants, &c.

WHERAS, att the Court of his ma^{tie} holden att Plymouth the first Tusday in July last past, John Bryant, Seni^r, of Scittuate, in Plymouth collonie, complained against Humphery Johnson, att Hingham, in the Massachusetts collonie, in an action of the case, to the damage of ten pounds, siluer mony, and is for that the said Humphery Johnson hath made stripp and wast, by felling, squaring, and carrying away timber from the lands of the said Bryant, in Scittuate, lying neare to a place comonly called Barstowes Tree, some time within this five yeers, without any order or approbation of the said John Bryant, Seni^r, wherby the said Bryants title is rendered doubtfull, and the plaintiffe comes to be much damnified. The jury found for the defendand the cost of the suite, which cost allowed by the Court was two pounds one shilling and sixpence, siluer mony, by which the said John Bryant, Seni^r, takes himselfe to be much wronged and injured, and prayes a review of the aforesaid action, to the damage of twelue pounds, siluer mony,

1681. which review cannot be denyed him. The jury find for the plaintiffe thirty shillings damage, and the cost of the suite.

27 October.

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Capt John Williams stands bound vnto this Court, both pson and goods, to answare the award and judgment of this Court, in reference to the case comēced by John Bryant, plaintiffe, against Humpbery Johnson, of Hingham, defendant, to defray the sume of five pounds and six pence, being the verdict of the jury, and cost allowed by the Court vpon that action; the verdict of the jury and charges comes to five pounds and sixpence, wherof three pound ten shilli and sixpence is to be payed in siluer mony.

[*20.] Wheras M^r Thomas Clarke, Seni^r, of Plymouth, did att his maties Court, held att Plymouth, the first Tusday of July last past, complaine against Wiltam Shirtley, of Plymouth, in an action of review, to the damage of thirty pounds, siluer mony, of an action of the case, to the damage of twenty pounds, vnjustly comēced and procecuted, as hee said, by the said Wiltam Shirtley against the said Thō Clarke, att his maties Court, held att Plymouth, the first Tusday in March last past; the sume of the said Shirtleys complaint therin being, for that the said Thomas Clarke, and said Shirtley his father, Wiltam Shirtley, deceased, held as joynt tenants together, and as vndeuided, a certaine p̄sell of land containeing twenty and two acres, with the appurtenances, lying att a place comonly called Puncatest, being y^e second lott soe called lying there, wherein the said Wiltam Shirtley, deceased, had equall right with the said Thō Clarke, which right of said Wiltam Shirtley, the father, belongs to the said Wiltam Shirtley, the son and heire; *yett hee, the said Thomas Clarke, doth vnjustly gainsay, and not pmitt the p̄tition of the said lands to be made between them according to law in that case provided, that soe the said heire might come to enjoy his right left him by his said father. And further, that the said Thomas Clarke hath contradicted and publickly defamed the title of the said Shirtley, the son, to the said lands, to his great damage, as by the said actions on the record on file of the said Courts, whervnto reference being had doth and may more fully appeer, and in which action of review abouesaid the said Wiltam Shirtley conceiues himselfe much damnified by the plaintiffes misleading the Court and jury, or there not fully vnderstanding the right of that case, which hee hopes to evince and make out that hee had just cause of action and right to lands for which hee sued for a review off, and ought in justice to obtaine against the said M^r Thomas Clarke; and therefore the said Wiltam Shirtley complaineth against the said M^r Thomas Clarke, in an action of review of the said action of review abouementioned, to the damage of forty pound, siluer mony.

The verdict of the jury is as followeth: —

If the Court graunt, and towne record wherin the plaintiffes fathers name and his allotment is inserted with the defendant, doth giue title to land, then wee find for the plaintiffe twelue pence damage, and the cost of the suite; if not, wee find for the defendant, and cost of the suite. The jury doth intend, if the plaintiffe haue the action, that then there should be a deuision of the said allotment.

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John Doten, alias Dotey, complaineth against Nathaniel Southworth in an action of review, to the damage of fifty pound, of an action comēced and procecut by the said John Doten, alias Dotey, att the Court of his ma^{tie} held att Plymouth the seauenth of July, 1681. The tenor of the said action of the case is as followeth: Wheras John Doten, allies Dotey, of Plymouth, complained against Nathaniel Southworth, of the said Plymouth, in an action of the case, to the damage of fifty pound, siluer mony, for that the said Nathaniel Southworth hath not pformed his bargaine made with the said Dotey, in erecting and finishing a house for the said Dotey according to his couenant, and by writing giuen vnder the hand and seale of the said Southworth, bearing date the eight day of May, 1680, and as otherwise doth and may appeer.

The jury find for the plaintiffe seauen pounds and ten shillings damage, in siluer mony, and the cost of the suite.

The sume of three pounds is allowed by the Court vnto John Doten for his charges of the prosecution of the next aboue written suite.

The Names of the Jury.

sworn.	{	Mr John Bourne, Mr John Thacher, Insigne Jon ^a Alden, Insigne Thomas Leanard, Increase Robinson, Gershom Hall,	}	sworn.	{	Jabez Lumbert, John Blackwell, John Hathwey, John Blackwell, Joseph Dunham, Thomas Wade.	}
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*March, 16⁸¹₂. Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdiction of New Plymouth, the seauenth Day of March, 16⁸¹₂.

7 March.
[*21.]

BEFORE Willam Bradford,
John Freeman,

James Browne, and
Barnabas Laythorpe,

Assistants.

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CAPT JOHN WILLIAMS, as adminestrator of Edward Williams, late of Scittuate, deceased, complaineth against John Silvester and John Rogers, both of Marshfeild, in an action of the case, to the damage of twenty pounds, siluer mony, for theire non payment of nine thousand and an half of marchantable barrell staues, with heding, due from them to the said estate, as by contract and agreement in writing vnder theire hands, bearing date the twenty third of February, 1663, may and doth appeer.

The jury find for the defendants the cost of the suit.

John Silvesters and John Rogers bill of cost allowed by the Court is one pound and two shillings, siluer mony.

John Wilkams, of Scittuate, as adminestrator to the estate of Edward Williams, of Scittuate, complaineth against John Bucke, of Scittuate, Seni^r, in an action of the case, to the damage of fine pounds, siluer mony, for non payment of a debt of two hundred and an halfe of ceader boults due to the estate of the aboue said Edward Williams, as may appeer by a bill giuen vnder the said Buckes hand; which bill bears date January the 8th, 1668, by which non payment the complainant comes to be damnified.

This action was withdrawne before plea to it.

John Doten, allies Dotey, of the towne of Plymouth, complaineth against Nathaniel Southworth, of the said towne, in an action of the case, to the damage of ten pounds of currant New England siluer mony, for that the said Southworth hath wrongfully taken away the estate of the aforsaid Dotey, alias Doten, vnder a couller of law, by an execution signed by Major Wilkam Bradford, serued by Abraham Jackson, constable of the towne aforsaid, bearing date the eleuenth day of Nouember, 1681, as may and doth appeer.

Nathaniel Southworths bill of cost against John Dotey att the Court held att Plymouth the 8th of March, 1681, is thirteen shillings, allowed by the Court.

The Names of the Jury.

sworne.	{	Sarjeant Wilkam Harlow,	}	sworne.	{	Joseph Bartlett,	}
		John Tracye,				John Nye,	
		Wilkam Foard,				Mordicay Ellice,	
		Thomas Faunce,				Jacob Burge,	
		Mellatiah Laythorp,				Jonathan Morey,	
		Kanelme Winslow,				Anthony Eames.	

*Mr. Nathaniel Thomas, of Marshfeild, in behalfe of himselfe, and as attorney to Christopher Almey, Job Almey, Benjamine Church, Thomas Waite, Daniell Wilcockes, and Wiltam Manchester, complaineth against Wiltam Earle, of Dartmouth, in an action of the case, to the damage of five hundred pounds in mony, for that the said William Earle, on the ninth day of Aprill last, neare to the riuer called the Fall Riuer, in the collonie of New Plymouth, did forcably molest, interupt, and hinder Wiltam Paybody, of Duxburrow, and seuerall of the said complainants, from ruining of a line neare the said riuer, between the lotts belonging to the freemen and the lands lately purchased by the said complainants, att Pocassett, and places adjacent, on which lotts the said complainants said lands are bounded ; by his the said Earles threatening and assaulting the said Paybody and purchasers, was a sharp edged bill hooke, declaring to them that they should not proceed to run the said line, att theire prill, saying that hee would spend his blood and life in defending them from ruining any line on the north side of the said riuer, notwithstanding the said Paybody was authorised to run the said line, by an order from the Court, and read the same to the said Earle, before they attempted to run the said line, by which interruption, and molestation, and hinderance, the said complainants are kept out of posession of theire said lands, hindered from deuiding and settleing the same with inhabitants, theire title to the same defamed, and the timber growing on the same destroyed, to the great damage of the said complainants.

The jury find for the plaintiffe four pound damage in mony, and the cost of the suite.

The cost of the suite allowed by the Court is three pounds and four shillings in mony.

The Names of the Jury.

sworne.	{	John Richmond,	}	sworne.	{	John Nye,	}
		John Tracye,				Mordica Ellice,	
		Wiltam Foard,				Jacob Burge,	
		Joseph Bartlett,				Jonathan Morey,	
		Thomas Faunce,				James Briggs,	
		Mellatiah Laythorpe,	}			Anthony Eames.	}

*Zachery Allin, of the towne of Sandwich, in the collonie of New Plymouth, in the yeer 1679, March 7th, convicted before Thomas Hinckley, Esq^r, Gou^r, by the testimony of sundry Indians, that hee hath, contrary to the wholsof law of this gou^rment, trucked, or furnished, or procured, or heaped, sundrey of them with some quantities of stronge liquors, att seuerall

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[*22.]

[*23.]

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times, &c, according as by warrant and examination may appeer: the said Zacheriah Allin then puting the case vpon a traverse, it was put vnto a jury of twelue men, and the verdict of the jury was as followeth, viz^s: According to our law wee find him guilty, as appeereth, chapter 14 of our Booke of Lawes, section 7th.

Att this Court, att the desire of the said Zachery Allin, it was graunted him to haue an other tryall by a jury of twelue men, whose verdict is as followeth: In the case depending betwixt our sou^r lord the Kinge and Zacheriah Allin, respecting the breach of our law, prohibiteing selling of stronge liquors to the Indians, the juryes verdict is, they find Zacheriah Allin guilty of selling or furnishing the Indians with stronge liquor four seuerall times.

The centance of the Court against Zacheriah Allin is as followeth: Forasmuch as hee is legally convicted to haue broken the law of this collonie, prohibiting the selling or furnishing of the Indians with strong liquor, and that it doth plainly appeer to this Court, that hee hath soe doñ seuerall times, this Court, according to the verdict of the jury, doth, therefore, centance the said Zacheriah Allin to pay to the vse of the collonie the sūme of twenty pounds, currant siluer mony of New England, according to law in that case provided.

The Names of the Jury.

$\left\{ \begin{array}{l} \text{John Richmond,} \\ \text{John Tracye,} \\ \text{Wiltam Foard,} \\ \text{Thomas Faunce,} \\ \text{Mellatiah Laythorpe,} \\ \text{John Nye,} \end{array} \right\}$	} sworne.	$\left\{ \begin{array}{l} \text{Joseph Warren,} \\ \text{John Hathwey,} \\ \text{Anthony Eames,} \\ \text{Jonathan Morey,} \\ \text{Jacob Burge,} \\ \text{Mordica Ellis,} \end{array} \right\}$	} sworne.
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[*24.]

*March the seauenth, 168½. John Hathwey, Seni^r, of Taunton, attorney to M^r John Hubert, of Boston, in the collonie of the Massachusetts, Treasurer for the county of Suffolke, successor in said office to Edward Tinge, Esq^r, of Boston aforesaid, complaineth against John Cann, boatman, late of Boston, since of Taunton, in an action of the case, to the damage of ninety two pounds, currant mony of New England, for the non payment of a debt of forty five pounds, contracted by one penall obligation, vnder his hand and seale, bearing date the fifteenth day of February, 1674, by forfeiting itt in not p^rforming the conditions vnder written. The bill of cost is three pounds.

The jury find for the plaintiffe this bond, fue shillings damage, and the cost of the suite.

Judgment was graunted by the Court according to the verdict.

The Names of the Jury.

sworne.	{	John Richmond,	}	sworn.	{	Jacob Burge,	}
		John Tracye,				Jonathan Morey,	
		Willam Foard,				James Briggs,	
		Thomas Faunce,				Joseph Warren,	
		Mellatiah Laythorp,				Mordica Ellice,	
		John Nye,				Anthony Eames.	

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**Att the Court of his Ma^{tie} holden att Plymouth, for the Jurisdiction of
New Plymouth, the seauenth of July, 1682.*

1682.

7 July.

[*25.]

BEFORE Thomas Hinckley, Gou^r,
Willam Bradford, Deputye Gou^r,
John Aldin,

John Freeman,
Barnabas Lathorpe, and
John Thacher.

WHERAS M^r Thomas Clarke, Seni^r, of Plymouth, complaineth against Samuell Smith, of Eastham, in an action of the case, to the damage of fifty pounds, of currant mony of New England, for his vnjust detaining from the said Thomas Clarke one quarter pte of the proffitts of the cape fishing, of Cape Cod, rented of the country some yeers since by M^r Constant Southworth, Edward Gray, and other their ptenors, which quarter ptes of the said proffitts for this last yeer amounts to the vallue of about twenty and six pounds six shillings and two pence, due vnto the said Thomas Clarke, besides one quarter pte of like proffitts, for about three or fourscore barrells of mackerell taken in a creeke att said cape, after the rate of 9^d a barrell, this last yeer, vnjustly detained alsoe, by the said Smith, from the said Clarke, whoe stands in the steed and right of said Constant Southworth. This action is withdrawne.

Wheras Josiah Cooke, of Eastham, holding himselfe agreiued att the verdict giuen by the celect men att their Court held att Eastham, on the last Tusday in February last past, an action of the case, depending between Samuell Smith, of the said Eastham, and said Josiah Cooke, which caused the said Cooke to review the said action att the Court of the said celectmen held there the second of May last past, in hope that to haue receiued satisfaction by their verdict for said Smiths vnjust mollestation, but not finding that

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just releiffe by theire then verdict, as hee conceiued ought to haue bine giuen him, wherby hee was much damnified, and therefore saw cause, according to libertie by Court order in that case giuen, to tender this appeale, and to giue in securitie before the said celect men to procecute his appeal to effect, att his ma^{ties} Court to be held att Plymouth, which neglecting to accept, yett hee haueing giuen securitie to procecute his appeal to effect, and to satisfy all damage, &c, hath obtained this following precept, for the defendants appeale from the said verdict.

The jury find for the plaintiffe one pound and thirteen shillings and fiftence damage, and the cost of the suite. The cost allowed by the Court is two pound and twelue shillings in siluer mony.

Mr Richard Smith, of Narragansett, in the Kinges Prouince, complaineth of Moris Freeloue, now residing on Chisawamicke, allies Hogg Iland, in the precinctes of the collonie aforsaid, in an action on the case, to the damage of one hundred pounds sterling, for that the said Morris Freeloue doth vnjustly detaine the aforsaid Hog Iland from the said Richard Smith, and settled himselfe theron, and dwells without the said Smith his consent and approbation, makeing wast of the woods and timber theron, with other trespasses.

This action was withdrawne.

[*26.]

*Israell Hobert, of Scittuate, complaineth of Cap^t John Wilkams, as hee, the said Wilkams, is, or pretends to be, adminnestrator to the estate of Edward Wilkams, late of Scittuate, deceased, in an action of the case, to the damage of twenty pounds, siluer mony, for that the said Wilkams doth neglect or refuse, being desired by the said Hubbud, to deuide or make deuision of a lott of land, being the second lott of the Freemens Land, from the Fall Riuer, on the easterly side of Taunton Riuer, which said lott of land was formerly in p^rtenorship between Edward Wilkams, late of Scittuate, deceased, and Joseph Turner, deceased, which said Turner made legall conveyance of his p^rte to the said Israell, and the said Israell the propriety therof still retaines.

The jury find for the defendant the cost of the suite. The bill of cost of thirteen shillings and six pence, siluer mony, is allowed by the Court.

John Doten, allies Doty, of the towne of New Plymouth, revieweth the same action against Nathaniel Southworth was called the last March Court past, the tenure wherof is as followeth: Whereas John Doten, allies Dotey, of the towne of New Plymouth, complained of Nathaniel Southworth, of the said towne, in an action of the case, to the damage of ten pounds, of currant

New England siluer mony, for that the said Southworth hath wrongfully taken away the estate of the said Doten, allies Dotey, vnder a couller of law, proccured an execution signed by Major Wiltam Bradford, and serued by Abraham Jackson, constable of the towne aforsaid, bearing date the eleuenth day of Nouember, 1681, to pvert justice, as may and doth appeer.

The jury find for the plaintiffe thirty five shillings & six pence, siluer mony, damage, and the cost of the suite. The jury say, and explained themselves, that they tooke out seauen shillings out of the execution, which, being aded to his former charge, makes vp the sume of the verdict.

The bill of cost of thirty nine shillings is allowed by the Court to John Dotey against Nath Southworth.

Mr Nicholas Meades, of Charlestowne, in the jurisdiction of the Massachusetts, complaineth against Eliezer Dunham, of the towne of New Plymouth, in an action of debt, to the damage of twenty pounds, siluer mony, for that the said Dunham hath neglected or refused to make payment of a debt of fourteen pound and ten shillings, due to the said Meades from the said Dunham, as by the said Meads his booke, with other testimony, the said Meades shalbe made appeer. The debt is for lether which said Dunham receiued of said Meads some time in the yeer 1681.

The jury find for the plaintiffe seauen pound thirteen shillings twelue pence damage, and the cost of the suite.

*Mr John Saffins, of Boston, marchant, complaineth against Peter Roberts, couenant servant of the said Saffin, in an action of the case, for that the said Peter Roberts did, in the time of his said seruice, wilfully neglect and frequently absented himselfe from the service of the said Saffin, and imbezled his estate. This was withdrawne.

[*27.]

Major Wiltam Bradford, Treasurer of the collonie of New Plymouth, complaineth against Samuell Dunham, late inhabitant of Winatucsett, in the said township, in an action of debt, to the damage of four hundred pound sterling, ||due to the Treasurer|| for non payment of a debt of two hundred pound sterling, due to the Treasurer and collonie of New Plymouth, as may appeer by one bond, vnder the said Dunhams hand and seale, bearing date the thirteenth of January, 1681.

The jury find for the plaintiffe the bond forfeited.

Judgment was graunted by the Court according to the verdict.

1682.

7 July.
PART II.

1682.

7 July.
PART II.

Capt John Williams, of Scittuate, as adminnestrator of the estate of Edward Williams, late of Scittuate, deceased, procecuted an action against John Silvester and John Rogers, both of Marshfeild, att his ma^{ties} Court att Plymouth, on the first of March last past, and the jury found for the defendants the cost of the suite; by which the said Wilkams conceines himselfe to be wronged, and the jury therin to be misled, which occations him to bring this his action to a review to the honored Court, for releiffe, which said action, procecuted as aforesaid, followeth:—

Capt John Wilkams, as adminnestrator of the estate of Edward Wilkams, late of Scittuate, deceased, complaineth against John Silvester and John Rogers, both of Marshfeild, in an action on the case, to the damage of twenty pound, siluer mony, for theire non payment of nine thousand and an halfe of marchantable barrell staues, with heading, due from them to the said estate, as by the contract and agreement in writing vnder their hands, bearing date the 23rd of Febrewary, 1663, may and doth more fully appeer vpon the records or file.

The jury find for the plaintiffe four thousand and one hundred and an halfe of barrell staues and heading debt, forty shillings siluer mony damage, and the cost of the suite.

The bill of cost allowed by the Court is thirty and three and sixpence, siluer mony.

Joseph Bartlett, of the towne of Plymouth, complaineth against John Simmons, inhabitant on the Freemens Lands, on the eastward side of Taunton Riuer, in an action on the case, to the damage of ten pounds, siluer mony, due to the said Bartlett from the said Simmons, as may appeer by a bill vnder the said Simmons his hand, bearing date the 28th day of October, 1681.

Withdrawne.

The Names of the Jury.

{ Leift Joseph Howland, Wilkam Brewster, Isacke Cushman, John Bradford, Ephraim Morton, John Hinckley,	} sworn.	{ Benjamine Bartlett, Silas Saars, Rodulphus Thacher, John Blackwell, Johnathan Shaw, Thomas Pincen,	} sworn.
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These aboue written were all that were employed in a jury, soe farr as I can find, att this Court saue these 2, viz: Joseph Warrin and Eliezer Churchill, whoe were employed in Captaine Williams and John Dotens cases, in which Leift Jonathan Alden was fore man of this last jury.

**Att the Court of his Ma^{ties} held att Plymouth, for the Jurisdiction of* 1682.
New Plymouth, the 31th of October, 1682.

31 October.

PART II.

[*28.]

BEFORE Thomas Hinckley, Esq^r, Gour,
 Wilham Bradford, Deputy Goue^r,
 Johu Alden,
 James Browne,

Daniell Smith, and
 Barnabas Laythorp, and
 John Thacher,

Assistants, &c.

WHERAS, att his ma^{ties} Court held att New Plymouth, on the first
 Tusday in July last past, John Doten, of said Plymouth, procecuted
 an action against Nathaniel Southworth, the tenor wherof followeth, viz^s :
 Wheras John Doten, allies Dotey, of the towne of New Plymouth, com-
 plaineth against Nathaniel Southworth, of the said towne, in an action of the
 case, to the damage of ten pounds, of currant New England siluer mony, for
 that the said Southworth hath wrongfully taken away the estate of the said
 Dotey, alias Doten, vnder a couller of law, by procuring an execution signed
 by Major Wilham Bradford and serued by Abraham Jackson, constable of the
 towne aforsaid, bearing date the eleuenth day of Nouember, 1681, one thousand
 six hundred eightey & one, to puert equity and justice, as doth & may appeer, in
 which action the juryes verdict and judgment of Court was for Dotey, then
 plaintiffe, damage & cost of suite, as by said verdict on record more fully may
 appeer, which causeth the said Southworth to complaine that hee is much
 wronged and damnifyed therby, and the Court and jury were misled by the
 fallatious please of said Dotey ; the said Southworth, therefore, prayeth that
 the said action may be reviewed att the next Court of tryalls, that if hee, the
 said Southworth, shall make good his now complaint and averments att said
 Court, that reparation may be made, and due damages allowed him in
 reference to the p^mises.

The jury find for the defendant the cost of the suite

The Names of the Jury.

sworne.	{	Mr John Cushen, Captaine Joseph Laythorpe, Leif ^t Ephraim Morton, Ensigne John Harward, Wilham Paybody, Samucll Clapp,	}	sworne.	{	Jonathan Morey, Jabez Howland, Isacke Barker, John Miller, Edward Jenkins, Wrastleng Brewster.	}
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1682.

31 October.
PART II.

M^r Thomas Hinckley and Capt^t Laythorp, of Barnstable, agents for the purchasers of Sepecan and places adjacent, complaineth, in behalfe of themselves and said purchasers, against Wiltam Conett, Indian, of this collonie, in an action of treaspas on the case, to the damage of one hundred pounds, for that the said Wiltam Conett hath entered by intrusion on their lands, and made vse thereof with an high hand, against and without their leaue, disturbing some of the propriators and purchasers thereof, and slaundering said purchasers title to the said lands, from the east side of Sepecan Riuer to the eastward of Nianticke and places adjacent, contained within their said purchase, which they purchased of the agents of the Generall Court of this collonie, the said Wiltam Conett challenging all the said lands to be his, without any true and just right therunto.

[*29.]

*Whereas M^r Thomas Clarke, Seni^r, of Plymouth, the first Tusday in July last past, complained against Wiltam Shirtleffe, of Plymouth, aforesaid, in an action of review, to the damage of thirty pounds, siluer mony, of an action of the case, to the damage of twenty pounds, siluer money, vnjustly comēced and procecuted, as hee said, by the said Wiltam Shirtleffe against the said Thomas Clarke, att his ma^{ties} Court held att Plymouth the first Tusday of March last past, the sume of the said Shirtleffes complaint therein being for that the said Thomas Clarke and the said Wiltam Shirtliffe his father, Wiltam Shirtliffe, deceased, held as joynt tenants together, and as vndeuided, a certaine p^{ss}ell of land, containing twenty two acres, with the appurtenances, lying att a place comōly called Punckateest, being the second lott, soe called, lying there, wherein the said Wiltam Shirtley, deceased, had equall right with the said Thomas Clarke, which right of the said Wiltam Shirtley, the father, belongs vnto the said Wiltam Shirtley, the son and heire; yett hee, the said Thomas Clarke, doth vnjustly gainsay, and not p^{mi}tt the p^{ti}tion of the said land to be made between them, according to law in that case provided, that soe the said heire might come to enjoy his right left him by his said father. And further, that the said Thomas Clarke hath contradicted and publickly defamed the title of the said Shirtliffe, the son, to the said lands, to his great damage, as by the said action and summons on record or file of the said Court, whervnto reference being had doth and may more fully appeer, in which action of review aboue said the said Wiltam Shirtleffe conceiues himselfe to be much damnified by the plaintiffes misleadeing the Court and jury, or their not fully vnderstanding the right of that case, which hee hopes to euince and make out, that hee had just cause of action and right to said lands, for which hee sued for p^{ti}tion, and ought in justice to obtaine, against the said M^r Thomas Clarke, and therefore the said Wiltam Shirtliffe complaines

againste the said Mr Thomas Clarke in an action of review aboue mensioned, to the damage of forty pounds, siluer money.

1682.

31 October.
PART II.

After that the jury had declared in the Court that they had agreed on a verdict, the attorney of the plaintiffe, Wilłam Shirtliffe, withdrew his action. The Court allowes twenty and two shillings and sixpence mony, for cost of the suite, to Mr Thomas Clarke, Seni^r.

The Names of the Jury.

sworne.	{ Mr John Cushen, Cap ^t Joseph Laythorp, Leiftenant Morton, Ensigne John Haward, Ensigne Thō Leanard, Samuell Clapp,	sworne.	{ Jonathan Morey, Jabez Howland, John Miller, Isacke Barke, Arther Howland, John Foster.
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**Att the Court of his Ma^{tie} held att Plymouth the seauenth of July, 1682.*

7 July.
[*31.]

M^R RICHARD SMITH, of Narragansett, in the King's prouince, complaineth against Morris Freeloue, resident on Chessewanuke, allies Hog Iland, within the precincts of the collonie of New Plymouth, in an action of the case for treaspas, to the damage of three hundred pound sterling, for that the said Morris Freeloue doth vnjustly detaine the aforesaid Hoge Iland from the said Richard Smith, and hath settled himselfe thereon and dwelleth there, without the said Smith his consent or approbation, makeing wast of the wood and timber thereon, with other treaspas.

Att this Court the said plaintiffe, Richard Smith, and the defendant, Morris Freeloue, appeering, the Court adjourned the triall of the case vntill the October Court next following, and bound the plaintiffe to procecute his said plaint att the said October Court, and alsoe bound the said Morris Freeloue, the defendant, to answare the said suite.

And att the said Court held att New Plymouth the last Tusday in October, 1682, the plaintiffe, Richard Smith, appeered & procecuted his said action, and a jury being sworne to the tryall of the case, the defendant, Morris Freeloue, appeered and pleaded as followeth :—

That the iland abouesaid, named in the action, hee hath not detained it from the said Richard Smith, nor doth not meddle with the title of it; wherypon the jury brought in a verdict as followeth :—

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PART II.

If Morris Freeloue, his posessing Hog Iland, which wee find to be Mr Richard Smithes, without his leaue, it being not demaunded by the said Smithe before the arest, be a detainor in law, then wee find for the plaintiffe six pence damage, and the cost of the suite ; if not, wee find for the defendant the cost of the suite.

Vpon which verdict the Court demured, and adjourned the determination of the case vntill July Court next.

[*32.]

*John Alden, Esq^r, aged 83 yeers, or therabouts, testifyeth and saith, That I, this deponent, being one of the first comers into New England, to settle att or about Plymouth, which now is about 62 yeer since, doth know and vnderstand by Osamequine, the great sachem of these ptes, that then was, and alsoe from diuers other psons, both English and Indians, that the little iland lying neare the southerly point of Mount Hope neck, called by the Indians Chessawanucke, by the English Hoge Iland, did then belonge and appertaine to the said Sachem Osamequin, as the other lands adjacent vpon the maine then did, and that the said iland was called by the English att the trading house att Sowamsett, then belonging to the Companie of Plymouth Collonie, Hog Iland, vpon this occation, that the said companies people att the said trading house had then the posession and improuement of the said iland by keeping hoggs for their vse thereon ; and further, I, this deponant, doe testify that both the said Sachem Osamequin, and Wamsitta, his reputed eldest son, did giue, graunt, allianate, infeoffe, and conferme the iland aforsaid vnto Richard Smith, now of Narragansett, the said iland being thus possessed and improued att the pleasure of the collonie of New Plymouth aforsaid, a long *longe* time before Rhode Iland was possessed or improued by any English.

Plymouth, the sixt of July, 1682. Mr John Alden, aboue named, made oath in Court to the truth of the testimony aboue written, as attesteth

NATHANIEL MORTON, Secretary to the Court

for the Jurisdiction of New Plymouth.

Entered and recorded p me,

NATHANIELL MORTON, Secretary.

[*33.]

*Wee, whose names are vnder written, wee being ancient Indians and inhabitants of Saconett, doe affeirme and testify, that the little iland att the south end of Mount Hope necke, called by the Indians Chessawanucke, and by the English Hogg Iland, did properly belonge to Osamequin, and Wamsetta, his son, both Pocanakett sachems, and that it was soe accompted to be

theire iland, time out of mind, by all Indians that knew it. And wee doe heerby affeirme and testify, that Narragansett sachems neuer layed any claime to the aforsaid iland, nor euer had any right or title to it, but that it wholly and properly did belong to Osamequin, and Wamsitta, his son, and descended to them from theire predecessors, and that skins of any deare taken there were brought to Osamequin, hee haueing the royaltys of said iland; to the truth of which and all aboue written, wee sett our markes this 27th day of October, 1682.

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7 July.
PART II.

The marke of		WAYEWETT, Awashunks husband.
The marke of		POKETTACUNKE, allies CALEB.
The marke of		OMUKACUSCOWETT, allies TOM.
The marke of		QUEQUSHA, allies PETER.

These abouesaid testimonies was subscribed to and declared to be the reall truth, a good interpreter being present, and ther testimonies taken, the day and yeer aboue expressed, by mee,

BENJAMINE CHURCH, coṁmissionated.

Intered and recorded p^r mee,

NATHANIEL MORTON, Secretary to the Court for the
Jurisdiction of New Plymouth.

*Samuell Nash, aged eighty yeers, or therabouts, testifyeth (being suppenaed) and saith, that I, this deponent, being sent by Gou^r Bradford from Plymouth to attend M^r Edward Winslow, about busines with Thomas Prence, Esq^r, late Gou^r of the collonie of New Plymouth, att what tūne hee was master of the trading house att Sowamsitt, where the said Prence was then resident, with seuerall men appointed by the Companie of Plymouth, where I was two seuerall times, and remained there some considerable time, on which occation I certainly knew and vnderstood, both by English and Indians, that the little iland neare the southward point of Mount Hope necke, did then belonge to the great sachem, Osamequen, & called by the English Hog Iland, because they did putt hoggs ouer theron to feed, which did then belong to the companie of Sowamsitt trading house, aforsaid.

[*34.]

SAMUELL NASH.

Sworne by the deponant this sixt day of July, 1682, before mee,

DANIELL SMITH, Assistant.

Entered and recorded p^r me,

NATHANIEL MORTON, Secretary to the Court
for the Jurisdiction of New Plymouth.

1682-3. **Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdiction of
New Plymouth, the sixt of March, Ann^o Do^m 168²/₃.*

6 March.

PART II.

[*35.]

BEFORE Thomas Hinckley, Esqui^r, Gou^r, Daniell Smith,
William Bradford, Esqui^r, Deputie Gou^r, Barnabas Laythorp, and
John Aldin, John Thacher,
James Browne,

Assistants, &c.

M^R THOMAS HINCKLEY, Seni^r, and Cap^t Joseph Laythorp, of Barnstable, agents for the purchasers of the lands of Sepecan, and places adjacent, complainants and demaundants, in behalfe of the said purchasers, complaine against Will^m Connett, Indian, so^metimes resedent att Yanticke, in an action of treaspas on the case, in a plea of lands, to the damage of an hundred pounds, of siluer mony, for that the said Will^m Connett hath vnjustly and forcably entered vpon certaine lands adjacent to said Sepecan, being the proprieties of said purchassers and sharers therof, purchased of the then honored Gou^r, Josiah Winslow, and Will^m Bradford, Esq^r, Treasurer, impowered thervnto by the speciall direction and appointment or order of the Generall Court, as by deed of feoffment, vnder theire hands and seales, bearing date 22 of July, 1679, and otherwise, doth and may appeer; and the said Will^m Connett hath ther comitted diuers inormities and wronges to the said sharrers and demaundants, against the publicke peace, by disturbing some of the said purchasers or sharers, being on theire lawfull occations in peacable manor, calling and warning them as treaspasers, and defaming theire title to the said land, more p^ticularly as att sundery other times, soe att last planting time, entering in and improueing some of the said purchassers lands about Nianticke, and as att other times, defaming theire title to all the lands lying between Sepecan and Wonickcomquake Riuer, soe more p^ticularly att last October Court, publickely claiming all the said lands to be his, slaundering the said purchasers & demaundants title thervnto, which forceth vs to bringe our action of treaspas aforsaid, and to demaund the said lands by a faire tryall, and pray justice of this honored Court, in the said case comitting this issue to the good country, whoe hath the best or truest legall title to the said land, whether wee, the said demaundents, or the said enterer.

The jury find for the defendant the cost of the suite. This verdict was not accepted by the Court.

The Names of the Jury.

1682-3.

sworne.	{	John Tracye,	}	sworne.	{	Leiftenant Robert Barker,	}	6 March. PART II.
		Rodulphus Thatcher,				Nicholas Eldredge,		
		Caleb Nye,				Benjamin Peirse,		
		Elisha Bourne,				Thomas Huckens,		
		Francis Barker,				John Hall, Junr,		
		Thomas Wade,				William Carpenter.		

*John Williams, of Scittuate, complaineth against Thomas Wade and Timothy White, both of Scittuate, in an action of treaspas on the case, to the damage of forty pounds, for that the abouesaid Wade and White, sometime in this last instant Febrewary, entered on a peece of land, or on an allotment of land in Scittuate, which the said Williames is owner of, and there the abouesaid Wade and White tooke vp wood and putt it into carts and forcibly carried it away, notwithstanding the said Williames warned them not to carry away the wood, but to throw it downe and be goñ, but the said Wade and White refused; by which illegall acting the complainant comes to be greatly damnified.

[*36.]

The jury find for the defendant the cost of the suite.

The bill of costs is twenty nine shillings, allowed by the Court.

John Holbrooke, of Weymouth, and Peter Bacon, of Hingam, and John Williams, of Scittuate, Rodulphuse Elmes, Israell Cudworth, & Joseph White, John Briggs, and Nathaniel Tilden, all of Scittuate, complaineth as pte propriators of the vndeuided land of Conahassett within the towneshipp of Scittuate, which said vndeuided land appeers by a deed bearing date 1646, complaineth against Benjamin Peirse, and Steuen Vinall, John Tilden, Edward Jenkins, Thomas Jenkins, Jonathan Jackson, Josiah Leichfeld, John Peirse, John Booth, Seni^r, William James, Nathaniel Man, Gershom Ewell, Jonathan Cudworth, Mary Dodson, Thomas Hieland, Seni^r, Israell Chettenden, John Allin, all of Scittuate, reputed pte propriators of the aforesaid vndeuided land of Conahassett, in an action of the case, to the damage of three hundred pounds, for that the aforesaid pte propriators refuseth, neglecteth, and not complyeth, to devide the aforesaid vndeuided land, with the aforesaid pte propriators, with the aforesaid playnants, to devide the aforesaid vndeuided lands, that soe euery man may injoy his owne proper right in p^ticulare; all the aforesaid defendants haue bine seuerall times, att seuerall meetings, desired and pressed them soe to doe, not onely by the plaintiffes, but alsoe by the honored Court; yett all proueth fruitles and in vaine to the obtaining of soe reasonable

1682-3. and just desire, wherby the plaintiffs come to be much damnified. This action was withdrawne.

6 March.

PART II.

The Names of the Jury.

sworne.	{	John Tracye, Rodulphus Thacher, Caleb Nye, Elisha Bourne, Jonathan Shaw, Ephraim Little,	}	sworne.	{	Nathaniell Holmes, Sergeant Ephraim Tinkham, Gorge Morton, Thomas Huckens, John Hall, Wiltam Carpenter.	}
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1683.

7 July.

[*38.]

**Att the Court of his Ma^{tie} held att Plymouth, for the Jurisdiction of New Plymouth, the seauenth of July, 1683.*

BEFORE Thomas Hinckley, Esq ^r , Gour, Wiltam Bradford, Esq ^r , Deputy Gour, John Aldin, John Freeman,	Daniell Smith, Barnabas Laythorp, and John Thacher,
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Assistants, &c.

ROBERT STANDFORD, of Marshfeild, complaineth against Nathaniel Turner, of Scittuate, in an action vpon the case, to the damage of twenty pound, for that the said Turner vnjustly detaineth three cowes of said Standfords, with their increase or proffits, which cowes hee deliuered to said Turner; and (as said Standford saith) the said Turner ought to haue deliuered them back againe to him, as hee can rationally demonstrate.

The jury find for the plaintiffe ten pound damage, and the cost of the suite.

The bill of cost of thirty eight shillings is allowed by the Court.

John Dunham, of Barnstable, and Mary, his wife, complaineth against Leif^t Joseph Howland, of Plymouth, in an action of the case, to the damage of twelue pounds, for non payment of about eight pounds, wages, due to the said Mary, for her two last yeers seruice of the said Joseph Howland, almost six years since, or therabouts, shee being then called Mary Smith.

The jury find for the defendant the cost of the suite. Imp^r, for fetching the warrant and seruicing of it, ... 3: 06

For entering the action, ... 9: 00

1683.

7 July.
PART II.

Whereas, att the Court of his ma^{tie} held att Plymouth, the 27 of October, 1681, John Bryant, Seni^r, reviewed an action co^menced by him, the said John Bryant, against Humphery Johnson, in July last past before the date heerof, which action is as followeth: John Bryant, Seni^r, of Scittuate, in Plymouth collonie, complaineth against Humphery Johnson, of Hingham, in the Massachusetts collonie, in an action of the case, to the damage of ten pounds, siluer mony, and is for the said Humphery Johnson hath made stripp and wast by felling, squaring, and carrying away timber from the land of the said Bryant, in Scittuate, lying neare to a place co^monly called Barstowes tree, some times within this fue yeers, without any order or approbation of the said Bryant, Seni^r, wherby the said Bryants title is rendered doubtfull, and the plaintiffe cometh to be much damnified. The jury found for the defendant the cost of the suite, which cost allowed was two pound one shilling and sixpence, siluer mony, which the said John Bryant, Seni^r, taketh himself to be much wronged and injured, and prayeth a review of the aforesaid action, to the damage of twelue pounds, siluer mony, the which review could not be denyed him, the which verdict and charges comes to fue pound and sixpence, siluer mony.

By which verdict and illegall claime of the said John Bryant, the said Humphery Johnson taketh himselfe to be much wronged and injured, to the damage of fifteen pound, siluer mony, and prayeth a review, which can not be denyed him. This action was non suited.

The bill of cost is 18^s:3^d

*John Bryant, Seni^r, and Joseph Siluester, both of the towne of Scittuate, being chosen agents for the said towne, the fift of Aprill, 1683, to procecute against any pson or psons, that may or shalbe found cuting or carrying away timber of from the said townes common lands, on that syde of the said towne next or neare Hinggam towne, the said John Bryant and Joseph Siluester, as agents for the said towne, complaineth against James Wheaten, Seni^r, of Hingham, in an action of the case, to the damage of four pounds, siluer mony, for that the said James Wheaten did carry away, or cause to be carryed away, certaine p^sell of shingle from of the co^mon land of Scittuate, some time since the last of Aprill last past, which said shingle were attached by Willam Barrell, the constable of Scittuate, and remained vnder his costody vnder the law, wherby the said towne comes to be damnified as aforesaid. The jury find for the defendant the cost of the suite.

John Bryant, Seni^r, Jeremiah Hatch, and Joseph Siluester, all of Scittuate,

1683.

7 July.

PART II.

agents for the towne of Scittuate, complaineth against Humphery Johnson, of Hingham, in an action of treaspas on the case, to the damage of twenty pounds sterling, for that the said Humphery Johnson, vnder claime and couller of right to lands in Scittuate, hath, some time or times since the first of May last past, treaspased vpon the lands of the said towne, by working or employing others to worke on the land, wood, and timber of the said towne, contrāy to order of the towne. The jury find for the defendant the cost of the suite; the reason of the verdict, the jury find Humphery Johnson to haue a legall right in the vndevided land in Scittuate.

‡John Bryant & Joseph Siluester, both of the towne of Scittuate, being chosen agents of the said towne the 5th of Aprill, 1683, to procecute against any pson or psons that may or shalbe found cutting or carrying away timber of from the said townes coṃon land, on that side of the said towne next or neare to Hingham towne, or elsewhere, the said John Bryant and Joseph Siluester, being agents for the towne of Scittuate, on the account of timber, doe complaine of exceeding much damage being doñ to the said towne of Scittuate, by timber being cutt and carried away of the said towne of Scittuates coṃon-lands neare Hingham side.‡

This attachment was served on the body of Benjamine Johnson, with a cart and team loaden with shingle, by estimation 7000, the 23 day of June, 1683.

By me,

RICHARD DWELLY,

Constable of Scittuate.

‡Nathaniel Bassett, of Yarmouth, complaineth against Edward Sturgis, of Yarmouth aforsaid, in an action of treaspas on the case, to the damage of ten pounds, siluer mony, for that the said Sturgis, soṃtime in the month of August last past, did vnjustly take and carry away a considerable quantitie of grasse or sedge, which the said Bassett had at the same time cut, or caused to be cutt, on his, the said Bassetts, marsh or meddow, that is in Yarmouth aforsaid, att or neare a place coṃonly called the Prince Feild, and adjoynes southerly to the reputed meddow land of said Sturgis, and northerly to the meddow land of Leiftenant Ryder, deceased, and is pte of a smale tract of land which said Bassett formerly purchased of Wiltam Nicarson, by which vnjust acte of said Sturgis said Bassett comes to be damnified as aboue-said, not onely by the said Sturgis his carrying away said Bassetts grasse aforsaid, but alsoe therby rendering said Bassetts title to the said marsh to be doubtfull.‡

The jury find for the plaintiffe the meddow sued for, fifteen shillings, siluer mony, damage, and the cost of the suite.

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The cost of the suite is forty shillings, silver mony. The reason, the jury say, wee doe not find the defendant hath proued his title according to the law of poſsession.

*Mr John Saffin, plaintiffe, against Cap^t Benjamine Church, defendant, in an action of the case, to the damage of one hundred pound in mony, for that the said Benjamine Church hath, contrary to law, and without the consent of him, the said Saffin, damed, stoped, or obstructed, or caused to be damed vp, stoped, or obstructed, a certaine water course, stream, or creeke, that issueth or ruñeth to and frow, as the tide serueth, out of the great bay adjacent, into a certaine pond or coue on Papasquish Necke, on which the mill is, belonging to Mount Hope, aforesaid, about or adjoyning to which said pond or coue is scittuate a certaine p^lsell of marsh, meddow, or mowable land, belonging to him, the said Saffin, which by or occation of the aforesaid dame or obstruction is in p^lte ouerflowed and much spoild; and alsoe, the said Saffin is therby vtterly deprived of free ingresse, egresse, and regresse, as hee ought to haue, in and to the same, and likewise hindered of nessesary benifitt and vndoubted right and priuileg^e of passing through the said creeke or water course with canooes or boates into the said pond or coue to transport his hay from his said marsh or meddow, or vpon any other nessesary busines or lawfull occasion, as hath bin accustomed; all which is to the plaintiffes damage, the sūme of eighty pounds in mony, with other due damages. The jury find for the defendant the cost of the suite. This bill of thirty shillings cost is allowed by the Court. This bill of the constable of one pound is allowed by the Court for bringing Cap^t Church to the Court. A reason the jury gaue in of their verdict, say they, wee doe not find the plaintiffe hath proued his charge.

[*40.]

Mr John Saffin, marchant, complaineth against Encrease Robinson, now resident att Bristoll, for causing or making a distress wrongfully vpon the pson of him, the said Saffin, therby vnlawfully hindering or detaining him from his freedom and lawfull liberty, in attending his p^lticulare busines or goeing to his owne home, vnder the pretence of a warrant directed to the constable of New Bristoll, dated the 19th of August, 1682.

Find for the defendant the cost of the suite. The Court accepts this verdict.

Mr Saffin denyeth not to sue Encrease Robinson in reference to his present suite.

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Mr John Saffin, of Boston, complaineth that Encrease Robinson hath wrongfully seized and detained the pson of the said Saffin, vnder pretence of his office as constable, for the non payment of ten pounds, odde mony ; as more p̄ticularly vnder his hand bearing date with these p̄sents may appeer, wherby the said Saffin is vnlawfully kept & hindered from procecuting or attending his private affaires, being depriued of his lawfull liberties. The jury find for the defendant the cost of the suite. The Court accepted this verdict.

The Names of the Jury.

sworne.	{	Leifř Jonathan Adin,	}	sworne.	{	Anthony Eames,	}
		Ensigne Wilkam Foard,				John Soule,	
		Leiftenant Robert Barker,				Serjeant Tinkham,	
		Nathaniel Turner,				Jacob Cooke,	
		John Briggs,				Nathaniel Wood,	
		John Barker,				Jonathan Nye.	

[*41.]

*Capř John Williams, of Scittuate, complaineth against Thomas Wade and Timothy White, both of Scittuate, aforesaid, in an action of review, to the damage of fifty pounds, siluer mony, of an action comēced by the said Williams against the said Wade and White, att his ma^{ties} Court held att New Plymouth, in March last past before the date heerof, of said action then procecuted, and to be reviewed, followeth, vizř : John Williams complaineth against Thomas Wade and Timothy White, both of Scittuate, in an action of treaspas on the case, to the damage of forty pounds, for that the abouesaid Wade and White, sořtime in this instant February, entered on a peece of land, or on an allotment of land, in Scittuate, and there the abouesaid Wade and White tooke vp wood, and putt it into carts, and forcably carryed it away, notwithstanding the said Williams warned them not to take it away, but throw it downe and be goř ; but the said Wade and White refused, by which illegal actings the complynant comes to be greatly damnified in said verdict at said Court ; the juryes verdict and judgment of Court was for the defendant, cost of the suite as by Court records may appeer ; but said Williams saith that hee is much wronged in reference to the p̄mises, and prayeth that the said action may be reviewed att the next Court of tryalls. The jury finds for the defendant the cost of the suite, which comes to . . 02 : 09 : 06¹

The grand jury say, Wee p̄sent vpon vehement suspition that Shuball Jones, of Barnstable, in the collonie of New Plymouth, labourer, on the 27 day of March last past, in the night did enter into the stackyard of Mr

Thomas Hinckley, Seni^r, of Barnstable aforesaid, Esq^r, and a certaine old cow, of a brownish darke redish couller, haueing the tipps of bother hornes sawed of, and of prise forty shillings, being then and there of the goods and chattles of the said Thomas Hinckley, did feloniously take, steale, and driue away, contrary to the peace of our sou^r lord the Kinge, his crowne and dignity, and that Matthew Jones of the said Bāstable, labourer, was accessary by assisting or concealing the [^], contrary to his said ma^{ties} crowne and dignity. The said Shuball Jones puting himselfe on tryall by his peares, heer followes the verdict of the pettey jury. Wee find Shuball Jones suspiciously guilty of his p^sentment.

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The Names of the Jury.

sworn.	{	Leif ^t Jonathan Aldin, Thomas Delano, John Rogers, Encrease Robinson, Serjeant Tinkham, Nathaniel Wood,	}	sworn.	{	Leif ^t Howland, John Dotey, William Vobes, Ephraim Morton, Juni ^r , Thomas Faunce, Isacke Lobdell.	}
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**Att the Court of his Ma^{tie} holden att Plymouth the 31 of October, 1683.*

31 October.
[*42.]

BEFORE Thomas Hinckley, Esqui^r, Gour^r, John Freeman,
Willa^m Bradford, Esq^r, Deputie Gouvernor, Bānabas Laythorp, and
John Aldin, John Thacher,
Assistants, &c.

WHERAS att his ma^{ties} Court held att New Plymouth, the first Tusday in July last past, Cap^t John Williams procecutet an action of review against John Wade and Timothy White, both of Scittuate in these words, following, viz^z: Wheras John Williams, of Scittuate, complaineth against Thomas Wade and Timothy White, both of Scittuate aforesaid, in an action of review, to the damage of fifty pound, siluer mony, of an action comēced and procecutet by said Williams against said Wade and White, att his ma^{ties} Court held att New Plymouth on the first Tusdy in March; the tenor of said action then procecutet and to be reviewed followeth in these words, viz^z: John Williams, of Scittuate, complaineth against Thomas Wade and Timothy White, both of Scittuate, in an action of treaspas on the case, to

1683. the damage of forty pound, for that the abouesaid Wade & White, soñtime in this instant Febrewary, entered on a peece, or on an allotment of land, at Scittuate, which hee, the said Williams, is owner of, and there the abouesaid Wade and [^] tooke vp wood, and putt it into carts, and forcably carryed it away, notwithstanding the said Williams warned them not to carry away the said wood, but to throwe it downe and be goñ; but the said Wade and White refused, by which illegall acting the said complainant comes to be much damnified.

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In which said action, the juryes verdict and judgment of Court was for the defendant, the cost of the suite, as by the Court records may appeer, and on the review aboue reviewed att the last July Court, the juryes verdict then was for the defendant, cost of the suite as before, as by the Court records may appeer, which causeth the said John Williams still to continew his said complaint, to the damage of fifty pound, and prayeth that the said action may be againe reviewed att the next Court of tryalls.

The jury find for the defendants the cost of the suite, which comes to 01:03:0

[*43.] *John Hudson, of Duxburrow, and Anne, his wife, complaineth of Gorge Russell, of the said towne, in an action of treaspas, to the damage of twenty pounds, for that the said Gorgẽ soñtimes in this instant July did enter into the meddow of the said John and Anne Hudson, being a p̃sell of meddow about the quañty of fīue acres, lying att the North Riuer, between the meddow of the said John Hudson and Robert Barker, the said fīue acres of meddow being, by agreement of the said Gorge Russell, assigned vnto the said John and Anne Hudson, mother of the said Gorge Russell, as p̃te of her dower of the lands of her former husband, Gorge Russell, deceased, as may appeer by one instrument vnder the hand of the said Gorge Russell, bearing date the second of July, 1673; and after the said Gorge had entered into the said meddow a certaine quantity of grasse, growing on the same, being cut, hee then raked it together, and thence carryed, or caused to be carryed, the said grasse or hay, claiming the said meddow, to the great damage of the said John and Anne, his wife. Non suited.

Cap̃t John Williams, of Scittuate, complaineth against Gershom Ewell, Thomas Man, and Richard Man, & Joseph Coleman, all of said Scittuate, in an action on the case, to the damage of fifty pound, siluer mony, for that the aboue named Ewell, Coleman, Thomas Man, and Richard Man, soñtime in the month [^] July or August last, did take vp and impound, or cause to be

impounded, in the pound of Scittuate, seuerall of the said Williams his horses, or horse kind, and them, in or after a crewell manor, soe longe restrained in pound, without the knowledge of the said Williames, their owner, that it destroyed or caused the destruction of many of the said horse kind, to the great injury and damage, as hee saith hee can rationally demonstrate.

The verdict of the jury is as followeth : If it be lawfull to sue the innocent with the guilty, wee find for the plaintiffe fifteen pounds damage, and the cost of the suite ; if otherwise, wee find for the defendants the cost of the suite.

*John Bryant, Seni^r, Jeremiah Hatch, and Joseph Siluester, all of Scittuate, agents for the towne of Scittuate, complaineth against Humphery Johnson, of Hingham, in an action of review, to the damage of thirty pound sterling, in an action of review of an action comēced by said Hatch, Bryant, and Siluester, as agents for the towne of Scittuate, against the aforsaid Johnson, of Hingham, in an action of treaspas on the case, to the damage of twenty pounds sterling, for that the said Johnson, under claime and culler of right to lands in Scittuate, hath soffttime or times, since the first of May last past, trespassed vpon the lands of the said towne, by working or imploying others to worke on the land, wood, and timber of the said towne, contrary to order of the towne. In this action the jury find for the defendant the cost of the suite. The reason of this verdict, the jury find Johnson to haue a legall right in the vndivided land in Scittuate.

By the which illegall verdict, the plaintiffes takes themselves to be greatly damnified, and aske for a review of the aforsaid action, which cannot be denyed them. The jury againe find for the defendant the cost of the suite ; the reason the jury giue, they say they find not the charge proued. This verdict was accepted.

Wheras Nathaniel Bassett, of Yarmouth, att the Court held att Plymouth in July last, comēced suite against Edward Sturgis, of the said towne, in these words, following, viz^t : Wheras Nathaniel Bassett, of Yarmouth, complaineth against Edward Sturgis, of Yarmouth aforsaid, in an action of treaspas on the case, to the damage of ten pounds, siluer mony, for that the said Sturgis, soffttime in the month of August last past, did vnjustly take and carry away a considerable quantity of grasse or sedge, which the said Bassett had att the same time cutt, or caused to be cutt, on the said Bassetts marsh or meddow lands, that is scittuat in Yarmouth, aforsaid, att or neare a place comonly called the Prince Feild, and adjoynes southerly to the re-

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[*44.]

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puted meddow land of said Sturgis, and northerly to the meddow land of Leiff Ryder, deceased, and is pte of a smale tract of land which the said Bassett formerly purchased of William Nicarson, Seni^r, by which vnjust acte of the said Sturgis, his taking said Bassetts grass, as aforesaid, but alsoe therby rendering said Bassetts title to the said marsh to be doubtfull, in which action the jury then found for the plaintiffe the meddow sued for, fifteen shillings, siluer mony, damage, and the cost of the suite, as by said action and said verdict vpon record more fully doth appeer; by which said action and verdict the said Sturgis considereth himselfe much wronged, and that the then jury being misled by the fallacious pleases of the then plaintiffes attorney, whoe gaue a wrong verdict in the said case, as hee will indeauore to make appeer, and thervuppon prayeth the said action and verdict may be reviewed, as by law in such case is provided.

The jury had not light to bring in a verdict.

[*45.]

*Mathew Gannett, of Scittuate, complaineth against John Sutton, of Scittuate, Seni^r, in an action of the case, to the damage of five pound, siluer mony, for that the swine of the aforesaid John Sutton, soffitimes in September last, came into the abouesaid Mathew Gannetts feild, and destroyed much of the said Gannetts corne, wherby the complainant comes to be much damnified. The jury find for the defendant the cost of the suite.

Mr Thomas Clarke complaineth against Samuell Knowles, of Eastham, adminestrator of the estate of his brother James Knowles, deceased, in an action of the case, to the damage of five pounds, siluer mony, for that the said Samuell Knowles doth refuse or neglect to pay the said Thomas Clarke the sume of two pounds, six shillings, seauen pence, due to the said Thomas Clarke from the said James Knowles, as appeers by booke, in the yeer seauenty & seauen, which some of two pounds six shillings and seuen pence the said Samuell Knowles promised to pay to the said Clarke, which hee still neglecteth to satisfy, which is exceeding much to the damage of the said plaintiffe.

In the action comēced by Mr Thomas Clarke against Samuell Knowles, of Eastham, defendant, the bill of cost is in siluer mony, is one pound thirteen shillings and sixpence, allowed by the Court.

Wheras, att the Court of his ma^{tie} held att Plymouth, the seauenth day of July, 1682, Israell Hubert, of Scittuate, complaineth of Cap^t John Williams, as hee, the said Williams, is, or pretends to be, adminestrator to the estate of Edward Williams, late of Scittuate, deceased, in an action of the

case, to the damage of twenty pounds, siluer mony, for that the said Williams doth neglect or refuse, being desired by the aforesaid Huberd, to deuide or make deuision of a lott of land, being the second lott of the Freemens Land, from the Fall Riuer, on the easterly side of Taunton Riuer, which said lott was formerly in p̃tnorship between Edward Williams, late of Scittuate, deceased, and Joseph Turner, deceased, which said Turner made legall conueyance of his p̃te to the said Israell, and the said Issraell the proprietie therof still retaineing, the jury found for the defendant the cost of the suite, by which verdict the plaintiffe doth apprehend himself to be much damnified; therefore Israell Hubert doth desire a review of the said action, to the damage of twenty two pound, siluer mony.

The jury find for the defendant the cost of the suite.

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*Whereas, att his ma^{ties} Court held the first Tusday in July last past, John Dunham, of Bāstable, and Mary, his wife, complaineth against Leifř Joseph Howland, of Plymouth, in an action of the case, to the damage of twelue pounds, for non payment of about eight pound wages, due to the said Mary, for her two last yeer seruice of the said Joseph Howland, almost six yeer since, or theire abouts, shee being then called by the name of Mary Smith, on which the jury then found for the defendant, as by the said action and verdict of jury on record, whervnto reference being had, doth and may appeer; and forasmuch as that the said complainant doeth further complaine that the Court and jury were att that time misled by the fallacious plea of the said defendant, to theire further and greater damage, as they are reddey to make appeere, and therefore pray a review of the said action to be graunted to them, that they may haue justice doñ them in the said case according to law.

[*46.]

The jury find for the dēndant the cost of the sute.

M^r John Saffin, of Boston, marchant, complaineth against Nathaniel Byfeild, Benjamine Church, and John Carey, reputed raters of Bristoll, in an action of the case, to the damage of twenty four pounds in mony, for that the said raters did, in the yeer 1681 aforesaid, contrary to law and the libertie of an English subject, most vnjustly and vnreasonably rate or asses the estate of him, the said Saffin, in the sume of twelue pound sixteen shillings and a peny, in mony, towards the rate aforesaid.

The jury, finding the rate of twelue pound sixteen shillings and a peny justly assessed, doe find for the defendants the cost of the suite.

The bill of cost allowed by the Court is 4:05

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Mr John Saffin, marchant, of Boston, complaineth against Jabez Howland, Richard Smith, and Thomas Walker, raters of the towne of Bristoll in the yeer 1682, in an action of the case, to the damage of 20^{li} in mony, for that the said raters did in the yeer aforesaid, contrary to law and the liberty of an English subject, most vnjustly and vnreasonably rate or asses the estate of him, the said Saffin, in the sume of ten pounds four shillings & 2 pence in mony, towards the rate aforesaid.

The jury, finding the rate of ten pounds four shillings and two pence justly assessed, doe find for the defendants. The bill of cost is 4^{li} 14^s, allowed by the Court.

Mr John Saffin, of Boston, marchant, complaineth against Benjamine Church, of Bristoll, in an action of the case, for that the said Benjamine Church hath, contrary to law, and without the consent of him, the said Saffin, damed vp, stoped, or obstructed the free passage of a certaine water course, stream, or creeke, that moueth or ruñeth to & frow, as the tide serueth, out of the great bay adjacent, into a certaine pond or coue by Papasquash Necke, on which the mill is, belonging to Mount Hope aforesaid, about or adjoyning to which said pond or coue is sittuate, lying or being a certaine p̄sell of marsh, meddow, or mowable land, belonging to him, the said Saffin, which by meanes or occation of the said dam or obstruction is in p̄te ouerflowed and much spoyled; and alsoe the said Saffin is therby vtterly depriued of free ingresse, egresse, and regresse, as hee ought to haue in and to the same, and alsoe hindered of the nessesary benefitt and vndoubted right and priuiledge of passing through the said creeke or water course with cannoos or boates into the said pond or coue to transport hay from his said marsh or meddow, or vpon any other nessesary busines or lawfull ocation, as hath bin accustomed; all which is to the plaintiffes damage, the sume of eighty pounds in mony, with other due damages.

The jury find for the plaintiffe three pound damage, and the cost of the suite.

[*47.]

*Cap̄t John Walley, Nathaniel Byfeild, Steuen Burton, and Nathaniell Oliuer, or their lawfull attorney or attorneyes, complaineth against John Saffin, in an action of the case for his setting vp, or causing to be sett vp, or refusing to remoue or take away, a certaine fence, or soe much theroff as stands vpon the land of the said Walley, Bifeild, Burton, and Oliuer, which fence is between the gate that is towards the west side of the necke and Swansey Riuer, and takes in the bounds sett between the land of Mount Hope and the towne of Swansey, by a cōmitte formerly appointed for that end; not-

withstanding wee, in our sales of lands to said Saffin, reserued two rod in width, haueing reserued the like bredth crose the necke, to be improved for an hieway, if wee see need therof, which fence goes crose the said two rodd, and takes in seuerall rodds in length, preventing vs for laying out a way towards the riuer, and taking in the said fence the bounds sett between Swansey and vs, which is a defamation to our title to said land, and to our damage, with all other damages.

The jury find for the plaintiffe fīue shillings damaḡ, and the cost of the suite, which comes to 03 : 16 : 06^{11 s d}

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Capṭ John Walley, Nathaniel Byfeild, Steuen Burton, and Nathani Oliuer, or theire lawfull attorney or attorneys, complaineth against Robert Skift, in an action of the case, for his withholding, denieing, or refusing to deliuer posession of the marsh or meddow land hee posesses, occupies, or injoyes, as lyes against the lands bought by said Walley, Byfeild, Burton, and Oliuer, of the comitty of the collonie of New Plymouth, and against that pte of said land, as wee, the said Walley, Byfeild, Burton, and Oliuer, sold to Mr John Saffin, which meddow or marsh is about ten acres, be the same more or lesse, which meddow or marsh land is illegally detained from vs, the said John Walley, Nathaniel Byfeild, Steuen Burton, and Nathaniel Oliuer, as shalbe made appeer with other due damages.

This action is suspended vntill the next Court of tryalls.

Wheras Mr Thomas Hinckley, Seni^r, & Capṭ Joseph Laythorp, of Barnstable, agents for the purchasers of the land att Sepecan and places ajacent, complainants and demaundants in behalf of themselues and said purchasers, complaine against Wilam Connēt, Indian, in an action of trespas on the case, in a plea of lands, with due damages, for that the said Wilam Connēt hath vnjustly layed claime to a great pte of the said purchasers lands ; viz^s, to all theire lands lying between Sepecan att Cohassett Riuer and the riuer called Wonquaquacke Riuer, and as far as Plymouth westerly bound tree att Agawaam, vnjustly posessing therof, and vseing, and improoving therof, att his pleasure, without theire leaue, and hath defamed the said purchasers title to said lands by his disclaiming and defaming theire title to any of the saide lands within the bounds aboue mencioned ; as att other times, soe more p^ticuly in open Court held att Plymouth the 11th of July last past, hee did, by his attorney, Jonathan Mory, defame the title of the said purchassers, as aforsaid, to any of our lands, wherby they come to be much damnified, and therefore haue cause to bring theire action aforsaid, craueing justice of this honored

1683. Court in said case, comitting this issue to tryall, viz^s, whether wee, said purchasers, or the said Willam Connett, hath the best and truest legall title to said lands.

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This suite was not pleaded; the p̄ties come to agreement, and soe a finall end.

[*48.] *John Sutton, Senī, of Scittuate, complaineth against Mathew Gannett, Seni^r, of said Scittuate, in an action of treaspas, to the damage of five pounds, siluer mony, for that the said Mathew Gannett did seuerall times in September last, himselfe, and by his son and servants, hurt the swine of the said Sutton with his dogges, vpon vnfenced land, wherby some of the said swine a^r lost, and some of them much damnified.

The jury find for the defendant the cost of the suite.

The bill of cost, of one pound nineteen shillings and six pence, is allowed by the Court.

Gershom Ewell, of Scittuate, complained against Jonathan Jackson, of Scittuate aforsaid, in an action of the case, to the damage of ten pound, siluer mony, and is for that the said Jackson doth refuse or neglect to make payment or satisfaction to said Ewell for seuerall freights that the said Ewell carried to Boston for the said Jackson in a sloop of about 30 tun, in the year 1682. Withdrawne.

Samuell Dunham, the son of John Dunham, of Winnatucksett, in the township of Plymouth, complaineth against John Andrewes, of Lakenham, in the townshipp of Plymouth aforsaid, in an action of debt, to the damage of twenty pound, siluer mony, for his non payment of a debt of twelue pounds and ten shillings, in mony, due to the said Dunham from said Andrewes, as may appeer by a bill giuen vnder the hand of the said Andrewes, and beareth date March the second, 1681. The jury find for the plaintiffe the bill of twelue pound and ten shillings, siluer mony, and 2^s 6^d, & the cost of the suite.

The bill of charges is 2^l 6^s, allowed by the Court.

Abraham Jackson, of Plymouth, complaineth against Daniell Ramsden, of Plymouth aforsaid, cooper, in an action of the case, to the damage of six pounds, for non payment of the sume of three pounds and ten shillings, which hee is indebted to the said Abraham Jackson, for mony lent and other goods, which hee neglecteth to satisfy.

The jury find for the plaintiffe his debt due on booke, vpon ballence of the account, two pounds nineteen shillings and eight pence, one shilling damage, and the cost of the suite.

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The Names of the Jury.

sworne.	Leift Ephraim Morton,	sworne.	Leift John Howland,
	Serj: Wilam Harlow,		Isacke Howland,
	Edward Michell,		Samuell Ryder,
	Thomas Snell,		Thomas Tabor,
	John Nelson,		Samuell Thrasher,
	Shewball Smith,		Thomas Linkolme.

These tryed the actions of this Court onely in the ten last actions heer enserted. Leift John Howland, Isacke Howland, Thomas Tabor, and Thomas Linkolne were left out, and John Tracye, Thomas Faunce, Thomas Hinckley, and William Vobes were entered in their stead.

**Att the Court of his Ma^{tie} holden att Plymouth, for the Jurisdiction of New Plymouth, the fift Day of March, 1683-4.*

5 March.
[*49.]

BEFORE Thomas Hinckley, Esq^r, Gou^r, Daniell Smith,
William Bradford, Esq^r, Deputy Gou^r, Barnabas Laythorp, and
John Alden, John Thacher,
John Freeman,

Assistants, &c.

WHERAS Nathaniell Bassett, of Yarmouth, did, att his maties Court holden att Plymouth the first Tusday in July last, complaine against Edward Sturgis, of Yarmouth, in an action of treaspas on the case, to the damage of ten pounds, siluer mony, for that the said Sturgis did sofitime in the month of August vnjustly take and carry away a considerable quantitie of grasse or sedge which the said Bassett had att the same time cutt or caused to be cutt on his, the said Bassetts, marsh or meddow land, (as hee saith,) that is scittuate in Yarmouth, att or neare a place called the Prince Feild, and adjoyning southerly to the reputed meddow of said Sturgis, and northerly to the meddow land of Leift Ryder, deceased, and is pte of a small tract of land

1683-4. which said Bassett purchased of William Nicarson, Senr, by which vnjust
 5 March.
 PART II. acte of said Sturgis, the said Bassetts comes to be damnified as abouesaid, not
 onely by the said Sturgis, but alsoe rendering said Bassetts title to the said
 marsh to be doutfull, which being comitted to the jury, they found for the
 said plaintiffe the medow sued for, (as they say,) and fifteen shillings damage,
 siluer mony, and the cost of the suite, which cost was forty shillings, as by
 record of Court, whervnto reference being had, doth and may more fully
 appeer; by which verdict the said Sturgis conceiues himselfe much damnified
 through the said Bassetts his misleading of the Court and jury, or by theire
 not vnderstanding the right of that case, and therefore the said Sturgis hath
 and doth pray a review of said case, complain̄g against said Bassett, in an
 action of review, to the damage of twenty pound, siluer mony.

The verdict of the jury: that if the now plaintiffe, his cuting and carry-
 ing away of grasse or hay, of from the meddow in controversye, for the space
 of twenty yeers and vpwards, without any legall molestation of the now
 defendant, giues legall title to the now plaintiffe, then wee find for the now
 plaintiff the meddow now in controversy, and two pound and fifteen shillings,
 siluer mony, damage, and the cost of the suite; if not, wee find for the
 defendant the cost of the suite.

In the case on review between Edward Sturgis, plaintiffe, and Nathaniell
 Bassett, defendant, the jury bring in a speciall verdict as aboue written.

This Court, on mature consideration of said case, doe judge that the
 jury, finding the now plaintiffe his cuting and carrying away grasse or hay
 of from the meddow now in controversy, for the space of twenty yeer and
 vpward, doth amount to a seizing and posession of said meddow to be in the
 said plaintiffe; for nothing can more clearly demonstrate a mans being seased
 and pososed of any thinge, then his entering vpon it, vseing, occupying,
 and improueing the same, and the takeing, haueing, and receiueing the fruits,
 proffitts, and advantages therof, to his owne vse; and forasmuch as such im-
 prouement and possession of the said plaintiff is found by the jury to be for
 the space of twenty yeers and vpwards, without any legall molestation by the
 now defendant, and theire appeering noe contract nor agreement wherby the
 said plaintiffe was lycenced by the s^d defendants to posesse, vse, and improue,
 the said meddow, as aforsaid, the Court judgeth that the said now defendant
 hath bin soe long seased, or out of the seaseing, of the said meadow, *as that
 the acte of limetation doth barr his entering into claime of and concerning suite
 for the said meddow, and soe the legall title to the said meddow remaines to
 the said plaintiffe, and vests in him, against the claime of the said defendant,
 because the law is, that hee who will oust a man of his posession must shew a

[*50.]

better title for it then the posessor hath, and therefore the whole Court giue
theire judgment in said case, for the said plaintiffe the meddow in controversye,
with the damage and cost as by said verdict is expressed. 1683-4.

5 March.
PART II.

The bill of cost allowed by the Court is, ... 2:03:0

March the 7th, 16⁸³/₄.

Wheras Nathaniell Turner, of Scittuate, complaineth against Robert
Standford, of Marshfeild, in an action of the case, to the damage of thirty
pound, siluer mony, for that the said Standford att his ma^{ties} Court held att
New Plymouth, on the first Tusday in July last past, did, contrary to law,
comēce and procecute an action against said Turner, for that the said Turner,
as said Standford in his said action complaineth, hee did vnjustly detaine from
said Standford three coves with theire increase or proffitts, which hee deliuered
to said Turner to keep, as by said action on Court record or file more att
large doth and may appeer, and att said Court by said Standfords falce sug-
gestions and fraudulent pleases, hee obtained great damages and costs against
said Turner, and put said Turner to great charge to defend the said action,
which was ilegally comēced and procecuted by the said Standford, hee
haueing neglected to bring his said action within the time of lymetation by
statute prescribed.

The jury find for the plaintiffe eleuen pounds eighteen shillings, siluer
mony, damage, and the cost of the suite.

The Names of the Jury.

sworne.	{	John Thompson, Joseph Warren, William Brewster, Thomas Delano, Elkanah Cushman, Samuell Clapp,	}	sworne.	{	John Nelson, Willam Brett, John Hathway, John Simmons, Caleb Nye, John Dotey.	}
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It is ordered, that Nathaniell Turner shalbe payed all the same goods
that was taken by the constable, by execution, from the said Nathaniell
Turner, for Robert Standford, onely ~ shillings, for the wintering of a cow,
and the cost of the suite, which is thirty shillings, siluer mony.

1684.

1 July.
PART II.
[*51.]

**Att the Court of his Ma^{ties} held att Plymouth the first of July, 1684.*

BEFORE Thomas Hinckley, Esq ^r , Gou ^r , and	Daniell Smith,
William Bradford, Esq ^r , Deputy Gou ^r , and	Barnabas Laythorp,
John Aldin,	John Thacher, and
John Freeman,	John Walley,
Assistants, &c.	

JOSEPH WASHBURNE, of Bridgwater, in his ma^{ties} colonie of New Plymouth, complaneth against Elihew Britt, in an action of the case, to the damage of ten pound, siluer mony, for that the aboue said Britt, being the constable of the towne aforesaid, did, on the first day of May last past, vnjustly, and contrary to law, vnder culler of his office, take away his draught beast from him, being four or fiue mile from home, the beast being laden, hofiward bound, of which disapointment and want of a drauft beast, the said Wasburne comes to be damnified, and therfore brings his action as abouesaid. This action was withdrawne.

Mr Richard Smith, of the Kinges prouince off Narragansett, gent^{le}, complaineth ^

Mr Richard Smith, of Narragansett, in the Kinges prouince, gent^{le}, complaineth against John Burden, of Portsmouth, on Rhode Iland, in an action of the case, to the damage of three hundred pounds sterling, for that the said John Burden hath entered into and doth vnjustly detaine a certaine Iland, scittuate, lying, and being between the points of Mount Hope Necke and Papasqush Necke, in the harbour of Bristoll, in the collonie of New Plymouth, comonly called and knowne by the name of Chissawonook or Hogg Iland.

The jury find for the plaintiffe the title of said iland in controversy, fifty shillings damage, and the cost of the suite; the Court accepts the verdict. The bill of cost allowed by the Court vpon this action is n s d
in mony, ... 04:12:06

Wheras, att his ma^{ties} Court held att New Plymouth the last Tusday in October last past, John Williams, of Scittuate, continewed his procecution of an action formerly procecuted by him att other of his ma^{ties} Courts held att Plymouth aforesaid, against Thomas Wade and Timothy White, both of

Scittuate aforsaid, the tenor of said action in the first procecutiō therof, and since maintained by review, is as followeth:—

1684.

1 July.
PART II.

John Williams, of Scittuate, complaineth against Thomas Wade and Timothy White, in an action of treaspas on the case, to the damage of forty pound, for that the abouesaid Wade and White, sofitime in this instant February last, entered on a peece or an alotment of land in Scittuate, which hee, the said Williams, is owner of, and the abouesaid Wade and White tooke vp wood and put it into a carte, and forcabley caied it away, notwithstanding said Williams warned them not to carry away the said wood, but to throw it away and be goñ; but the said Wade and White refused; by which illegal actings, the said Williams, complainant, comes to be greatly damnyfied; in which action att the seuerall tryalls therof, and p̃ticularly att the last October, the juryes judgment and verdict of Court was for the defendant, the cost of the suite, as by Court record may appeer; notwithstanding the said Williams still saith that his complaint is just, and hee is much wronged by the Court and juryes not haueing a full and cleare vnderstanding of his said case, as hee will vpon the next tryall rationally demonstrate; wherfore the said Williams still contineweth his said complaint, and desireth againe to review his said action att the next Court of tryalls, that if hee shall then and there make his averment, that all due damages may be allowed to him by the said Court.

The jury find for the plaintiffe twelue pound and ten shillings & six pence damage, siluer mony, and the cost of the sute. The cost allowed by the Court is 40 shillings.

*Wheras John Williams, of Scittuate, complaineth against Thomas Man, Gershom Ewell, and Richard Mann, all of Scittuate aforsaid, in an action of the case, to the damage of fifty pounds, siluer mony, for that the said Thomas Man, Gershom, and Richard Man, sofitime in the month of July or August last past, did take vp and impound, or cause to be impounded, in the pound of Scittuate aforsaid, seuerall of the said Williams his horse kinde, and in or after a crewill manor soe restrained, or caused them to be restrained, in said pound, without the knowlidge of the said Williams, the owner of the said hors kind, that it destroyed them, or caused the destruction of many of them, to the great injury and damage of the said Williams, as hee saith hee can rationally demonstrate.

[*52.]

The jury find for the plaintiffe four pound and ten shillings damage, in siluer mony, and the cost of the suite. The cost allowed is 40 shillings.

1684.

1 July.
PART II.

Whereas John Williams, of Scittuate, in the behalfe of himselfe and p̃tenors, the wronged propriators of Conahassett vndevided lands of Scittuate, complaineth against William James, of Scittuate, in an action of treaspas on the case, to the damage of two hundred pounds, in mony, for that the said William James hath made great spoile and wast on said vndevided lands by cutting, felling, or carrying of from said lands great quantities of wood and timber, or causing it to be doñ contrary to orders of said propriators in that case provided, and to their great damage. This action is barred.

The bill of cost allowed by the Courte on this action is 37 shillings. This action allowed by the Court, July 4, 1684.

James Haward, of Bridgwater, complaineth against Samuell Packer, Junr, of Bridgwater, aforesaid, in an action of treaspas on the case, to the damage of ten pound, in mony, for that the said Packer, soñtimes since March last past, hath illegally entered into or vpon a certaine corn feild of said Hawards, lying within the towneshipp of Bridgwater, and without the consent and contrary to the mind of said Haward, said Packer hath plowed, planted, and made improuement of a p̃te of the said feild, to the great añoyance and disturbance of the said plaintiffe, whoe by himselfe and his ancesters hath bine in the quiett and peaceable possession and occupation of the said feild for the space of eleuen yeers or more before said entery was made and treaspase com̃ited, as by evidence said plaintiffe saith hee will make appeer.

The jury find for the plaintiffe six pence damage and the cost of the suite. The charge is 40^s.

[*53.]

*Whereas Samuell Lucas, of Plymouth, p̃ocecuted an action of review att the last celect Court held att Plymouth, on the first Tusday of May last past, against John Hatheway, Seni^r, of Taunton, to the damage of 39 shillⁱ mony, for his non payment of a debt of iron not deliuered according to contract or agreement, as by the summons or action then procecuted more p̃ticularly and att large appeereth, and att the said select Court the judgment of said Court was for said Lucas, then plaintiffe, damage and cost of suite, as by verdict or judgment of said Court may appeer more p̃ticularly, and said Hatheway, finding himselfe agreeued and wronged therby, hath appealed from the said judgment or verdict to the next July Court, and hath giuen cecuritie to procecute his said appeale to effect att the said July Court, —

The jury find for the plaintiffe a reuersment of the judgment giuen by the select Court held att Plymouth, the sixt day of May, 1684, in the action procecut by Samuell Lucas against John Hatheway, and the cost of the sutes.

1684.

1 July.
PART II.

{ Serjeant William Harlow, Isacke Cushman, John Wadsworth, John Richmond, Seni ^r , Leiftenant Joseph Howland, Anthony Eames,	} sworn.	{ Nathaniel Winslow, Leiftenant Little, Rodulphus Thacher, John Bradford, Nathaniel Southworth, Joseph Chanderler,	} sworn.
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In the last action, wherin John Hathway was plaintiffe, Sarjeant Harlow was left out, and John Barker was put in his stead.

**Att the Court of his Ma^{tie} holden att Plymouth, for the Jurisdiction of New Plymouth, the 28 of October, 1684.*

28 October.

[*55.]

BEFORE Thomas Hinckley, Esq ^r , Gou ^r , and William Bradford, Esq ^r , Deputy Gou ^r , John Alden, John Freeman,	Daniell Smith, Barnabas Laythorpe, John Thacher, and John Walley,
Assistants, &c.	

M^R THOMAS CLARKE, soñtimes of Boston, now of Barnstable, did complaine att his ma^{ties} Court, held att Plymouth, 1667, against Daniell Winge, of Sandwich, adminnestrator to the estate of Thomas Ewer, late of Barnstable, in an action of the case, to the damage of thirty pounds, for non payment of a debt of twenty pounds and odde mony, deu vnto him from the said Ewer, which being comited vnto the jury, they then returned a non liquett, as theire verdict by record of the Court doth and may appeer, the which verdict as the said complainant did not vnderstand, soe hee thinkes the jury did not themselues vnderstand it; howeuer, hee judgeth that they did not rightly vnderstand his case, but were misled therein; and hee, to his further damage, still kept from his mony due vnto him, and being a just debt due to him from the estate of said Ewer, as hee saies, hee can by further euidence clearly make appeer to the Court and jury, and therefore prayeth a

1684. review of said action, that hee may obtaine what is soe justly due vnto him ;
for want wherof, as hee did, soe still doth complaine as aforesaid. Withdrawne.

28 October.

PART II.

Mistris Dorethy Gray, as adminestratrix of the estate of Mr Edward Gray, late of Plymouth, deceased, complaineth against Isacke Harris, of Bridgewater, in an action of debt, to the damage of eleuen pounds, for non payment of a debt of fve pounds ten shilling and six pence, due to the said adminestratrix by booke ; the accompt therof beares date 1681.

The bill of cost allowed by the Court in this case is twenty-one shillings and sixpence, siluer mony.

The jury find for the plaintiffe fve pound & ten shillings & six pence, and ten shillings damage, and the cost of the suite.

Edward Wanton, Seni^r, of Scittuate, complaineth of John Williams, of Boston, in an action of the case, to the damage of fve pounds sterling, for non payment of a hogshead of mollases, that hee, the said Williams, engaged to pay to the said Wanton, and to send it to him by whom hee should appoint ; the which hee, the said Williams, engaged about June, 1679, and was pte of what hee engaged to the said Wanton for building vpon his shalopp and making of it into a sloop.

The jury find for the plaintiffe for the non payment of a hogshead of mollasses four pounds mony, and the cost of the suite. The bill of cost is two pound and ten shillings.

John Briant, Seni^r, of the towne of Plymouth, in the jurisdiction of New Plymouth, in New England, complaineth against Jonathan Barnes, of the said towne, in an action of slaunder and defamation, to the damage of one hundred pounds, siluer mony, for that hee, the said Jonathan Barnes, sofitime in July last, charged the said John Bryant with breaking open his lockes and his warehouse, stealing out of a barrell, and seuerall other thinges, and hee will proue it.

The defendant owning and acknowledging hee wrongfully charged the plaintiffe, and the defendant paying such cost as the Court allowes, the case is issued.

[*56.]

HINCKLEY,
GOU^r.

*Mr Nathaniell Olliuer, of Boston, in the collonie of the Massachusetts, attorney of Mr Thomas Brattle, of said Boston, adminestrator to the estate of Mr Thomas Brattle, marchant, late of Boston, deceased, complaineth against Nathaniel Hall, of Yarmouth, in an action of debt, to the damage of sixty pound, siluer mony, for non payment of a debt of fifty three pound six shillings and elcuen pence, due to the estate of said Thomas Brattle, deceased, as

by his bill vnder the hand of said Nathaniel Hall, bearing date the 19th day of December, one thousand, 1679, doth or may appeer.

1684.

28 October.
PART II.

The jury find for the plaintiffe thirty and one pounds sixteen shillings and eleuen pence, and thirty shillings damage, and the cost of the suite.

The cost allowed by the Court on this action being twenty seauen shillings, siluer mony.

Timothy White and Thomas Wade, both of Scittuate, complaineth against John Williams, of Scittuate aforsaid, in an action of review, to the damage of thirty pounds, siluer mony, for that the said Williams comēced and procecuted an action against said Wade and White, att a Court held for his ma^{tie} att Plymouth the first Tusday in March, 1682. The tenor of the said action followeth in these words, viz^t: John Williams, of Scittuate, complaineth against Thomas Wade and Timothy White, both of Scittuate, in an action of treaspas on the case, to the damage of forty pounds, for that the abouesaid Wade & White, sometime of this instant February, entered on a peece, or an allotment, of land in Scittuate, which hee, the said Williams, is owner of, and there the abouesaid Wade and White tooke vp wood and put it into carts and forcably carried it away, notwithstanding Williams warned them not to carry away the said wood, but to throw it downe and be goñ; but said Wade and White refused, by which illegall acteings the said Williams, complainant, comes to be greatly damnified; at which abouesaid Court the jury did find for the defendants the cost of the suite, and said Williams did review said action att the next Court att Plymouth following the abouesaid March Court, and the jury still contineweth to find for the defendants, as by Court record may appeer; and att July Court last past, said Williams did againe review the action, and did obtaine a verdict and judgment of Court against the said Wade and White, twelue pounds and ten shillings & six pence damage, and the cost of the suite; by which verdict and judgment of Court the now plaintiues hold themselues greatly wronged and damnified, as abouesaid, and pray a review of said action, that they may make their wronge and damage appeer.

The jury find for the plaintiffes fourteen pounds and ten shillings and six pence, siluer mony, damage, and the cost of the suite. The bill of cost is one pound sixteen shillings and six pence, siluer mony, allowed by the Court.

Mr Thomas Crosbey, Seni^r, of Eastham, complaineth against Samuell Mathewes, of Yarmouth, in an action of debt, to the damage of eight pound, for the non payment of four pound eight shillings three halfe pence, dew to

1684. him, the said Crosbey, from him, the said Mathewes, as will more p̄ticularly
 appeer by the said Crosbey his booke.

28 October.
 PART II.

The jury find for the plaintiffe four pound eight shillings and three halfe
 penyes, fue shillings damage, and the cost of the suite.

[*57.] *William Harrison, of Boston, marchant, complaineth against Thomas
 Lewes, Seni^r, of Saconeesett, in the constablerick of Barnstable, in the juris-
 diction of New Plymouth, in an action of the case, to the damage of six
 pounds four shillings, siluer mony, for the non payment of a debt of thirty
 pounds. Non suited.

William Clarke, of New Plymouth, complaineth of John Mendall,
 Seni^r, of Marshfeild, in an action of debt, to the damage of nine pound
 of currente mony of New , for non payment of four pounds ten shillings
 due by bills of his hand.

Jury find for the plaintiffe four pound and ten shillings, siluer mony,
 twelue pence damage, & cost of the suite.

John Sutton, of Scittuate, complaineth against Peter Bacon, of Hingham,
 in the Massachusetts collonie, in an action of treaspas, to the damage of
 fifteen pounds, siluer mony, for that hee, the said Peter Bacon, soſtime in
 August or Septem̄ last past, did cutt, and carry away without leaue, some
 grasse from off the said Suttons marsh land, which hee, the said Sutton,
 bought of John Daman, and lyeth in Conahasett, wherby the said Suttons
 title is, and soe comes to be, damnified, as aforesaid.

This action was withdrawne before tryall.

William Nicarson, of Yarmouth, complaineth against Arther Howland,
 of Marshfeild, in an action of the case, to the damage of six pounds in mony,
 for non payment or not deliuey of two payer of good sufficient cart wheeles,
 and ten shillings in mony, due to the said Nicarson sometime last fall, as
 appeereth by a bill vnder the said Arther Howlands hand, bearing date in
 October, 1683. Withdrawne before tryall.

John Williames, of Scittuate, as the assigne of John Thompson, of
 Middtberry, whoe is the assigne of M^r William Clarke and M^r Barnabas
 Laythorp, of Barnastable, complains against John Richmond, of Taunton,
 and Mary Combe, of said Middtberry, adminnestrators to the estate of
 Frances Combe, late of Middtberry, aforesaid, deceased, in an action of the

case, to the damage of two hundred and forty pounds, for that the adminnestrators doth neglect and delay to giue liury and season, according to law, to the complainant, of all the lands and tenements of said Francis Combe in Middelbery, which are mensioned in a certaine instrument, mortgage, or deed of sale, giuen to the said Laythorp & Clarke, vnder the hand and seales of the said Francis and Mary, bearing date the eleuenth of Febrewary, anno 1679.

1684.

28 October.
PART II.

The jury find for the plaintiffe that the adminnestrators of the estate of Mr Frances Combe shall giue legall posession and liury of the lands and teniments that was the said Combes, his that is contained in that instrument, bearing date the eleuenth of February, 1679, and the cost of the suite.

*John Williams, of Scittuate, in the behalfe of himselfe and ptenors, the wronged propriators of Conahassett vndevided lands in said Scittuate, complaineth against William James, late of Scittuate aforesaid, in an action vpon the case, to the damage of three hundred pounds in money, for that the said William James, sometime since the 23 of October, 1683, hath made great spoile & wast on the vndevided land by cuting, felling, and carrying of from the said land great quantities of wood or timber, or causing the same to be doñ, contrary to an order of said propriators, or companie, bearing date the same 23 of October, and to the great damage of this plaintiffe & his said ptenors, as hee saith hee will make appeer by euidence. The jury find for the plaintiffe fine pound, siluer mony, damage, and the cost of the suite,
which is, ... 2: 17^{11 8}

[*58.]

Wheras Zachery Allin, Wilkam Wood, Gorge Soule, and Ebinezer Allin, of Dartmouth, complaine against Henery Tucker, Arther Hathewey, Joseph Tabor, Phillip Tabor, William Maycomber, James Sisson, Samuell Cornhill, Recompence Kerbey, Samuell Wilcox, Hananiah Gaunt, Richard Kerbey, Juni^r, Eliezer Slocome, Peleg Slocom, Jonathan Russell, Edmond Shermon, John Lapham, John Smith, Peleg Shermon, John Brigges, John Shermon, Abraham Tucker, Nathaniel Howland, John Russell, Seni^r, Eliezer Smith, Mathew Allin, John Russell, Juni^r, Joseph Rull, John Spooner, Samuell Spooner, Josias Smith, John Cooke, Jonathan Delano, Thomas Tabor, John Haward, James Sampson, Robert Gifford, all of Dartmouth, and Gyles Slocom, whoe, with others, are the propriators or claimers of the vndevided lands lying within the townshipp of said Dartmouth, in an action of the case, to the damage of fine hundred pound, siluer mony, for that the said Henery Tucker, Arther Hathewey, and the rest aboue named, holding as tenants together in

1684.

28 October.

PART II.

HINCKLEY,
Gov^r.

an undevided comon with the said complainants and others in all the lands lying within the said towneship of Dartmouth, which are not as yett orderly devided, yett the said Henery Tucker, Arther Hathawey, and the rest aboue named, vnjustly gainsay or delay to pmitt the p̄tition of the said lands to be made between them, according to law in that case provided, that soe the said complainants and demaundants might each of them come to enjoy theire just and reasonable p̄te of said lands in such proportions as is theire right, and was by said complainants, and some few others, reasonably demaunded att a meeting of the propriators or purchasers of said lands, orderly warned the tenth of September last past.

The jury find for the defendants the cost of the suite.

Wheras, att his ma^{ties} Court held att Plymouth the last Tusday in October, 1684, there was a suit comēced by M^r Nathaniel Olliuier, of Boston, in the collonie of the Massachusetts, attornie of M^r Thomas Brattle, of said Boston, adminnestrator to the estate of M^r Thomas Brattle, marchant, of Boston, deceased, against Nathaniel Hall, of Yarmouth. The jury found for the plaintiffe thirty and one pound sixteen shillings and eleuen pence, and thirty shillings damage, and the cost of the suite, which cost was allowed to be twenty and seauen shillings, siluer mony. And wheras, notwithstanding, there was due, to ballance of all accoumpts between them, the sume of forty and one pound eleuen shillings and seauen pence, the said Nathaniel Hall therefore came into the said Court and acknowledged a judgment for the whole forty one pound eleuen shillings and seauen pence, that is to say, 9^l 14 08 ouer and aboue the said thirty one pound sixteen shillings and eleuen pence.

[*59.]

*Humphry Johnson, of Hingham, in the right of himselfe as principall and assigne to M^r Resolued White, of Marshfeild, and Josias Holmes, of Duxburrow, who is an assigne to his father, William Holmes, deceased, the said Johnson, White, and Holmes being propriators in the comons or undevided lands in the townshipp of Scittuate, as by the records of the said towne in the yeer 1654, with other evidences, may appeer, complaine against the inhabitants of Scittuate, in an action of the case, for that, to the plaintiffes great damage, the said towne doe vnjustly detaine from him seuerall tracts of land graunted by order of the Court of Plymouth the 16th of June, 1671, which ordered the comones of Scittuate to be devided according to each inhabitants just right; the seuerall proportions belonging to eich ratable inhabitant of 1647 was an hundred and eighty acars of land, to be devided by an equall alotment; alsoe, seuerall other graunts of lands graunted October,

1684.

28 October.
PART II.

1672, and in 1673, all the seuerall graunts of land by the towne and comitte were consented vnto by the Court, 1672 & 1673, aforsaid; alsoe, all the seuerall graunts of land graunted by either Court, towne, or comitte, to the ratable inhabitants of 1647, and to all such that come in their rome & stead, was confeirmed by the towne of Scittuate, as appeers by their record, dated the fift of Aprill, 1683, in their 2 and fourth particulars, all their seuerall graunts graunted by either Court, towne, or comitte; the Court declareth they see noe reason, but doe approue what Scittuate men had presented to the Court for approbation, as appeers by the Court orders June, 1683, and July, 1683; yett, notwithstanding, the seuerall graunts of land graunted by either Court, towne, or comitte, haue bine confeirmed by the towne, 1673 and 1683, and consented vnto by the Court as aforsaid, the grantes being to the rateable inhabitants of 1647, and such as came in their rome and stead; wherof the plaintiffe hath a right to claime for three, in that state himselfe as principall, and as assigne to M^r White and Josiah Holmes, aforsaid. Yett the towne doth not sett out their proportions of land graunted as aforsaid, neither to all nor any of the three propriators, nor yett giue the plaintiffe satisfaction, as was engaged and published the 17 day of December, 1671, as may appeer vnder the hands of three maiestrates, by all which neglect of the towne, as aforsaid, the plaintiffe is greatly damnified.

The jury find for the plaintiffe the right the said plaintiffe sues for in the commons of the towne of Scittuate, and the cost of the suite, which is one pound and seauen shillings in mony.

The Names of the Jury.

sworn.	{	Thomas Tupper,	{	sworn.	{	Wrestleing Brewster,
		Elisha Bourne,				John Nye,
		Eliezer Churchill,				Ensigne William Ford,
		Thomas Cushman,				Gilbert Brookes,
		Samuel Arnold,				Samuell Lucas,
		Dauid Thomas,				John Partrich.

In five of these actions this jury serued, but in five of them in the latter end, John Nye, Gilbert Brookes, and John Partrich were put in stead of Jonathan Barnes, Ephraim Little, and Isacke Holmes.

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5 March.

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[*61.]

**Att the Court of his Ma^{tie} holden att Plymouth the fift of
March, 16⁸⁴/₅.*

BEFORE Thomas Hinckley Esq ^r , Gou ^r ,	Daniell Smith,
William Bradford, Esq ^r , Deputie Gou ^r ,	Barnabas Laythorp,
John Aldin,	John Thacher, and
John Freeman,	John Walley,
Assistants in Gou ^r ment, &c.	

WHERAS Thomas Sturgis, of Yarmouth towne, complaineth against Jeremiah Jones, of said Yarmouth, in an action of debt, to the damage of four pounds, siluer mony, for the non payment of a debt of seauen barrells of marchantable tarr, and for the non payment of twenty and six shillings in tarr as it will fech att Boston, and the charges of transportation defrayed, the which said debt or sumes will or may appeer by bills vnder the hand of said Jeremiah Jones, bearing date the 20th day of February, 1683.

The jury find for the plaintiffe seauen barrells of marchantable tarr, and twenty six shillings in tarr as it will fech att Boston, transportation defrayed, 12^d damage, and the cost of the suite.

The bill of cost allowed by the Court is 26^s.

Capt^r John Williams, of Scittuate, in the behalfe of himselfe & his pteners, the wronged propriators of Conahassett vndevided land in Scittuate, complaineth against William James, late of Scittuate, aforsaid, in an action of treaspas in the case, to the damage of two hundred pounds, siluer money, for that the said James hath sence the fift of July last past made great stripp and wast of the wood and timber of the aboue said land, by falling, cuting, or carrying away great quantities of wood & timber from said vndevided land, or causing it to be done, contrary to the order of said propriators in such case prouided, which order beares date October 23, 1683, and by which illegall actings of said James the plaintiffes comes to be much damnified.

This action was non suited.

William James, of Boston, complaineth against Captaine John Williams, of Scittuate, in an action of review of an action that said Williams comenced against mee, the said James, the last October Court, to the damage

of three hundred pounds, siluer mony, which said action of said Williams is as followeth : Wheras John Williams, of Scittuate, in behalfe of himself and pteners, the wronged propriators of Conahassett vndevided land in Scittuate, complaineth against William James, late of said Scittuate, in an action vpon the case, to the damage of three hundred in mony, for that the said William James sometime since the 23 of October, 1683, hath made great spoyle and wast on said vndevided land, by cuting, felling, and carrying of from said land great quantities of wood and timber, or causing the same to be doñ, contrary to an order of said propriators or company, bearing date the same 23 of October, and to the great damage of this plaintiffe and his ptenors, in which said action the Court and jury, through wronge information, found for the then plaintiffe, wherby the now said plaintiffe comes to be damnified as aboue said, and therefore prayeth a review of the said action.

This action was non suited.

The juryes names followes.

sworne.	{	Leift Ephraim Morton, Serj: William Harlow, Joseph Bartlett, Nathaniell Winslow, John Tracey,	}	sworne.	{	Leift Joseph Howland, Samuell Ryder, Peter West, Elkanan Cushman, Nathaniel Holmes, Thomas Macomber.	}
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[Here the original record ceases to be in the handwriting of Secretary Morton, who died on the twenty-eighth day of June, 1685. The manuscript is then continued by Secretary Nathaniel Clarke.]

**Att the Court of his Ma^{ties} holden at Plimouth the seuenth of July, 1685.*

1685.

BEFORE Thomas Hinckley, Esq ^r , Gouer ^r , William Bradford, Esq ^r , Deputy Gouer ^r , John Alden, John Freeman,	Daniell Smith, Barnabas Lothrop, John Thatcher, & John Wally,
---	--

7 July.
[*63.]

Assistants in Gouverment, &c.

WHERAS at his ma^{ties} Court held at New Plimouth the last Tuesday in October last past, Thō Wade & Timothy White, both of Scituate, prosecuted an action of reueiw against John Williams, of Scituate afors^d, which said action followeth in these words : —

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Whereas Timothy White & Thomas Wade, both of Scituate, complain against John Williams, of Scituat aforsaid, in an action of reueiw, to the damage of thirty pounds siluer mony, for that the said Williams did comēce & prosecute an action against the said Wade & White att a Court held for his ma^{ty} att New Plimouth the first Tuesday in March, 1682,—the tenor of the s^d action followeth in these words, viz: John Williams, of Scituat, complaineth against Tho: Wade & Timothy White, both of Scituate, in an action of tresspas on the case, to the damage of forty pounds, for that the aboues^d Wade & White, so^metime in this instant February, entred on a peice, or on an alottm^{tt}, of land in Scituate, which hee, the said Williams, is owner of, & there the aboues^d Wade & White tooke vp wood, & putt it into carts, & forceably ca^ried it away, notwithstanding Williams warned them not to ca^ry away the s^d wood, but to throw it down & be goⁿ; but s^d Wade & White refused, by which ileagall actings the s^d Williams, complainant, comes to be greatly dam-nified; at which aboues^d Court the jury did find for the defendants the cost of y^e sute, & s^d Williams did reueiw s^d action at the two next Courts at Plimouth, following the aboues^d March Court, & the jury still continued to find for the defendants, as by Court records may apear, & at July Court last past, s^d Wil- liams did againe reueiw s^d action, & did obtaine a verdict & judgm^t of Court against s^d Wade & White, twelue pounds ten shillings six pence damage, & the cost of the sute, by which verdict & judgm^t of Court the now com- plainants hold themselves greatly wronged & damnified as aboues^d, & pray a reueiw of s^d action, that they may make there wrong & damage apear, att which last October Court verdict & judgm^t was for the then plaintiffs fourteen pounds ten shillings & six pence damages & the cost of the sute, as p^r Court records may more at large apeare, which causeth the s^d Williams to complaine that he is greatly wronged & damnified by s^d verdict; the jury (as he saith) not haueing soe full & clear vnderstanding of the case as they might haue had; and therefore he, the s^d John Williams, prayeth a reueiw of s^d action at the next Court of tryalls, that if he shall then make good his auerments, his s^d wrongs may be repaired & all due damages giuen to him.

The jury find for the plaintiff, siluer mony	16 : 07 : 00
damage, & the cost of the sute. The cost of sute alowed by the	
Court, siluer mony, ...	1 : 16 : 6

[*65.]
HINCKLY,
GOVER^r.

*Whereas Joseph Nickerson, of Manemoyet, complaineth against Wil- liam Griffeth, Senior, of s^d Manemoyet, in an action on y^e case to the damage of fifty pounds, silluer mony, for that y^e s^d Grifeth, sometime since the first day of March last, hath ileagaly & vnjustly entred vpon a parcell of land of

his, the s^d Joseph Nickersons, & hath made improuem^{tt} of y^e sam^e contrary to s^d Nickersons leaue & order, which s^d land lyeth in Manamoyett afores^d, neer or adjoyning vnto the lott of land which the widdow Eldritt now liueth on, by which ilegall act of the defendant y^e plaintiff cofis to be much damnified. This action was withdrawn before tryall.

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Wheras John Nickerson, of Manamoyett, complaineth against William Griffeth, of s^d Manamoyett, in an action of y^e case, to the damage of thirty pounds siluer mony, for that the s^d Griffeth did soñtime the last winter ilegaly & vnjustly enter vpon a parcell of land of the s^d John Nickersons, & did make improuem^t of itt by cutting of wood contrary to the s^d Nickersons leaue or order, which s^d land aboue specified lyeth in Manamoyett afores^d, neer or adjoyning to the reputed lands of Samuell Nickerson, at a place comonly called the Oyster Pond Furlong, by which ilegall act of the s^d Griffeth the said Nickerson is much damnified, —

The jury finds for the plaintiff fiue shillings damage & the cost of the sute. The bill of cost is two pound four shillings & six pence, siluer mony, alowed by the Court.

Wheras Isaac Litle, of Marshfeild, complaineth against Richard Smith, of Bristoll, bricklayer, in an action of debt, to the damage of sixteen pounds in lawfull mony of New England, due to the s^d Litle from the s^d Smith, as may apear by an obligation vnder the s^d Smiths hand & seale bareing date the fifteenth day of December, 1676, —

The jury finds for the plantife sixteen pounds lawfull mony of New England damage, being the forfeiture of the bond, & the cost of the sute.

The Court accepts the verdict, reseruing liberty of chancery, according to law, which on their consideration they alow but tenn pounds & the cost of the sute.

The bill of cost is twenty two shillings, alowed by the Coart.

*Wheras William James, of Boston, complaineth against John Williames, of Scituat, in an action of reueiw, of the damage of three hundred pounds, siluer mony, & the reason of this s^d complaint is, because the aboues^d Williams did comence and prosecute an action against the aboues^d James at a Court held for his ma^{ty} at New Plimouth, the last Tuesday in Octobr last past, which s^d action was as followeth: John Williams, of Scituat, in behalfe of himselfe & partners, the wronged proprietors of Connahassett vndeuided land in s^d Scituat, complaineth against William James, late of Scituat,

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afores^d, in an action vpon the case, to the damage of three hundred pounds in *in* mony, for that s^d William James, so^mtime since y^e 23^d of October, 1683, hath made great spoile & wast on s^d vndeuided land, by cutting, felling, & carryeing away from s^d land great quantities of wood & timber, or causeing the same to be doⁿ, contrary to an order of s^d proprietors, or company, bareing date the same 23^d of October, & too the great damage of this plaintiff & his partners, as he saith he will make apear by euidence, & in the aboues^d action wherein s^d Williams was plaintiff by reason of the Court & jurs being misinformed, or not rightly informed, the jury found for the then plaintiff fue pounds damage & the cost of the sute, whereby the now plaintiff comes to be greatly wronged & damnified, & therefore prayes a reueiw of s^d action, that he may make his wrong & damage apear.

The jury finds for the plaintiff seuen pounds seuenteen shilling damage, siluer mony, & the cost of the sute. The bill of cost is two pounds two shillings & six pence, alowed by the Court.

Whereas James Taylor, of Boston, merch^{tt}, attourney to Grissell Talder-vile, of London, widdow, complaineth against Noah Floyd, so^mtime of London, draper, now of Swanzey in New Plimouth colony, in an action of debt of one hundred pounds of good & lawfull mony of England, for non paym^{tt} of one hundred pounds in like specia due to the s^d Grysell Talderule by bond, vnder the hand & seale of the s^d Noah Floyd, bareing date the sixt day of July, 1671, —

Vpon the desire of the defendant, being sicke, the Court orders that the action shall be called & demurred till the next Court.

Att October Court, 1685, this aboues^d action was cald, the plaintiff & defendant being p^rsent, & the action was nonsuited.

[*69.]

HINCKLY,
GOVER^r.

*To the Constables of Bristoll or Swanzey, or either of them, or their Deputies, greeting.

You & either of you are hereby required in his maj^{ties} name to attach the goods, & for want thereof, the body of John Pococke, of Newport, in the colony of Rhode Island & Prouidence Plantations, & take bond of him to the valew of two hundred pounds in currant mony of New England, with sufficient surty for his apearance at his maj^{ties} Court to be holden att Plimouth in New England, on the first Tuesday in July next, then & there to answere the complaint of James Cole, of Plimouth, in the colony of New Plimouth, vintner, Hugh Cole, shipwright, & William Salybury, in the right of Anna, his wife, daughter to the s^d Hugh Cole, both of Swanzey, in the colony of

New Plimouth, afores^d, in an action on the case for nonpaym^{tt} of one hundred pounds in currant mony of New England, due to the s^d plaintiffs, & payable to them, or either of them, by the s^d Pocock, as may apear by a certain obligation vnder hand & seale of the s^d John Pococke, bareing date the thirtieth of March, 1683, reference thereunto being had more fully may apeare, & is for his refusing or neglecting well & truely to stand to, abide, obey, obserue, performe, fullfill, & keep the award, arbittrem^{tt}, order, determination, & judgm^{tt} of John Eaton, John Rhodman, Thomas Ward, Edward Thurston, & Philip Smith, all of Newport, afores^d, or any three of them, giuen vnder their hands & seales, bareing date the twenty fift day of Aprill, 1683, as shall be made apear, with all other due damages, & soe make a return hereof, & yo^r doings herein, according to law.

The bill of cost is one pound thirteen shilling, alowed by the Court.

The jury finds for the plaintiff one hundred pounds, currant siluer mony of New England, being the forfeiture of the bond.

The Names of the Jury.

$\left\{ \begin{array}{l} \text{Stephen Sciff,} \\ \text{Joseph Warren,} \\ \text{Michael Ford,} \\ \text{John Sturtifant,} \\ \text{John Holmes,} \\ \text{Caleb Nye,} \end{array} \right\}$	sworn.	$\left\{ \begin{array}{l} \text{George Morton,} \\ \text{William Brewster,} \\ \text{Alexander Standish,} \\ \text{Samuell Hunt,} \\ \text{Isaac Peper,} \\ \text{Robert Ransom.} \end{array} \right\}$

*The Return of Johnsons Execution, July 15th, 1685.

[*71.]

Vpon receipt of this execution, I went with Humphry Johnson, the 16th of Aprill, 1685, to the agents of the town of Scituate, which were M^r John Cushen, & Jeremiah Hatch, & Samuell Clapp, & I did according to this execution there demand of s^d agents the right of s^d Johnson in the comons of the town of Scituate giuen him by the verdict expressed in this execution; & their answere was, that they did not know that the s^d Johnson had any right there, & therefore would deliuer none; & then I did demand of them, according to this execution, to discouer to me the comons of the town of Scituate, that thereby I might leuy this execution required of me. Whereupon two of the s^d agents did the next day goe with the s^d Johnson & myselfe to a place where the s^d agents did say was a mile square of their towns comons, ranging northerly & westerly from the place that wee then was att, & then the s^d Johnson did demand seuerall things of mee, & desired that I would giue him an answere whether I would do that which he did demand of mee, (which

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I thought was uery vnreasonable for him to demand, & farr beside my buisness to doe by this execution,) & I did answere him that I would haue reference only to my order, which was this execution, & according to that I would giue him posession according to law of his right in the comons of Scituate, according to the verdict, by my seizer & deliury, according to this execution. Wherevpon the s^d Johnson did refuse to accept of that tender, & then I cutt vp such a turfe as grew on s^d comon, & a twigg, & tendered the s^d Johnson deliury by that of his right in Scituate comons; but the s^d Johnson did refuse allso to accept of that; wherevpon, we being then vpon the s^d comons, I did publikly declare to the s^d Humphrey Johnson that I did by vertue of this execution giue him seizen and deliury of his right in the comons of the town of Scituate, & he likewise publikly declared that he would not accept of it. But some time after, at the request of s^d Humphry Johnson, I went with him & two of the aboues^d agents on that mile square of comons afores^d, & did declare to the s^d Johnson, that I did, by vertue of this execution, deliuer to him his part or right in this peice of Scituate comons, in the name of his right in all the comons of Scituate, obtained by the verdict expressed in this execution; & his answer was, that if my deliury was legall, according to the verdict, & did so apear in the judgments of them that was judges of the law, then he would accept of itt, or to that purpose.

p^r WILLIAM BASSITT, Marshall.

[*73.]

27 October.

**Att the Court of his Maj^{tie} holden att Plimouth y^e twenty seuenth Day of October, 1685.*

BEFORE Tho Hinckley, Esq^r, Gouer^r,

William Bradford, Esq^r, Deputy Gouer^r,

John Alden,

John Freeman,

Daniell Smith,

Barnabas Lothrop,

John Thatcher,

John Wally,

Asistants in Gouvern^{tt}.

WHEREAS William Wood, George Soule, Nathaniell Soule, Joseph Allen, Zechariah Allen, & Ebenezar Allen, all of Dartmouth, in the colony of New Plimouth in New England, pprietors in the lands within s^d township of Dartmouth, purchased of Woosamequen & Wamsutta, as by deed bareing date the 29th day of Nouember, 1652, may apear, complaine against John Cooke, William Rickeson, John Smith, Seni^r, John Lapham,

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Peleg Tripp, Jacob Mott, Thomas Tabor, Joseph Tripp, Joseph Russel, John Russell, Sen^r, Joseph Collman, Gyles Slocum, Isaac Layton, Recompence Curbe, Benjamine Badcock, Samuell Hix, Thomas Eaton, Peleg Slocome, Joseph Tabor, Samuell Spooner, Seth Pope, Manasseth Kempton, Thomas Cornall, Jonathan Delano, Mary Correy, James Sison, Joseph Sherman, Phillip Tabor, Jonathan Shaw, Samuell Jenny, Stephen Peckham, James Sampson, Valentine Hudleston, Thomas Butts, Richard Euans, Annaniah Gaunt, Nathaniell Howland, William Earle, James Tripp, Jonathan Russell, John Briges, Sen^r, John Briges, Jun^r, Thomas Briges, Arthur Hathaway, William Macomber, Mathew Alen, John Coluen, Phillip Sherman, Peleg Sherman, Edmund Shermene, Sam^l Sherman, Lathum Clark, John Tayer, Richard Curbe, Juni^r, Ruben Waite, Henry Tucker, Thomas Ward, Increas Allen, Robert Gifford, Chrystopher Gifford, Samuell Cornall, Georg Codman, Ralph Earle, & Daniell Willcocks, Sen^r, in an action of the case to the damage of eight hundred pounds in mony, for that the s^d defendants claiming part or parts of s^d lands as the proprietors thereof, & holding s^d lands together in partnershipe with the complainants & some few others, as tenants in comon & vndeuided, except such part thereof as hath been heretofore orderly & legally deuided according to law, by certaine meets & bounds, vnto euery proprietor according to his part or share therein, notwithstanding the said defendants contradicteth & will not permitt partition or deuision of all the said vndeuided land equally to be made according to law, & the complainants parts or shares therein, viz^t: four whole parts or shares & a fourth part of a share, excepting thirty acres of land out of it; or at least will not comply with the plaintiffs aboue named vpon there reasonable demands to make an eqall partition or deuision of all the aboues^d lands, according to the complainants parts or shares therein as aboues^d, & thereby preuenting the aboues^d plaintiffs from the knowledg & improuement of their own respectiue parts & shares of all the aboue said purchased lands by themselues, in seuerallty, as by law is prouided, by which vnjust actings & refuseall, or nott compliance of the defendants, the plaintiffs comes to be greatly damnified, & therefore brings their action as aboues^d.

p^r me, WILLIAM BRADFORD, Deputy Gou^r.

This action was nonsuited.

October Court, 1685.

*Whereas John Phillips & Benjamine Phillips, both of Marshfield, complaineth against Isaac Litle, of Marshfield, aforesaid, in an action on the case,

[*75.]

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to the damage of twenty pounds siluer mony, for that he, the s^d Litle, (on the twelfth day of this instant October,) did vnjustly enter vpon or into a lott or parcell of land of theires, the s^d John & Benjamine Phillippes, & then & there he, the said Litle, did vnjustly chopp or cutt a small tree of theires, the s^d John & Benjamine Phillippes, which tree was then growing on the afores^d land, & the s^d Isaac Litle did then & there declare, in the presence of seuerall psons, that he, the s^d Little, did cutt or chopp the s^d tree, in defiance of his, the s^d Benjamins, title to s^d land, or any other psons, except his own, (notwithstanding he, the s^d Litle, was then forewarned by the s^d Benjamine Phillips, by which actings of said Litle, the s^d John & Benjamine Phillips are much wronged & damnified, not only in disturbing of them in their peaceable & quiett posession, but also in cutting their s^d tree, & rendring their title doubtfull to s^d land, which s^d land lyeth in Marshfeild afores^d, & is neer to the lands of Joseph Rose & the high way which goeth from Marshfeild mill to the North Riuer, & is that land which was giuen by the town of Marshfeild vnto John Phillips. The jury finds for the defendant cost of suite. The bill of cost of twenty three shillings in mony is allowed by y^e Court.

Whereas Ralph Powell, of Marshfeild, complaineth against William James, of Boston, in an action on the case, to the damage of seuen pounds in mony, for that whereas the s^d William James, about the latter end of February last, did borrow a horse of the s^d Powell at Boston, afores^d, the s^d James pretending that himselfe would ride to Plimouth on the s^d horse, but by the s^d Jameses ill vseage of s^d horse, or negligence, or otherwise, before the s^d horse was returned to said Powell, (the owner of him,) the s^d horse became soe exceeding lame that for a considerable time after the s^d return of s^d horse he proued altogether vnseruicable by reason of s^d lameness; notwithstanding, the s^d James hath neglected to make satisfaction or render any recompence to s^d Powell in refference to the premises, which causeth him to bring his action as aboues^d. The jury find for the plaintiff 15^s damage & the cost of y^e suite.

The Names of the Juryes at October Court, 1685.

Joseph Howland, Foreman,	Robert Barker,
William Ring,	Justus Aimes,
Josiah Morton,	Anthony Aimes,
John Churchell,	Nathaniell Southworth,
John Dotye,	Francise Barker,
Joseph Wadsworth,	Ralph Powell.

Thē were the jury on the action of John & Benjamine Phillips, plaintiffe, against Isaac Litle, defendant.

Joseph Howland, Foreman,
John Thompson,
Josiah Morton,
John Churchell,
William Pabody,
Joseph Wadsworth,

Robert Barker,
Justus Aimes,
Anthony Aimes,
Nathaniell Southworth,
Francis Barker,
Jn^o Dotty.

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These were on the action of Ralph Powell against William James.

*1685. *At the Court of his Ma^{tie} holden at Plimouth the 2th of
March, 168⁵.*

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[*77.]

BEFORE Tho^s Hinckley, Esq^r, Gou^r,
William Bradford, Deputy Gou^r,
John Alden,
John Freeman,

Daniel Smith,
Barnabas Lothrop,
John Thacher,
John Walley,

Assistants in Gouverment.

To y^e Constable of Dartmouth, or his Deputy, greeting.

WHEARAS William Wood, Georg^e Soul, Nathaniel Soule, Joseph Allen, Ebenezer Allen, Sachariah Allen, all of Dartmouth, in y^e collony of New Plimouth in New England, proprietors in the lands within y^e township of Dartmouth, purchased of Wasemequen & Wamsutta, as by deed bearing date y^e 29th of Nouember, 1652, may appeare, complaine against John Cooke, William Rickeson, John Smith, Sen^r, John Lapham, Peleg Tripp, Jacob Mott, Thomas Tabor, Joseph Tripp, Joseph Russell, John Russell, Sen^r, Joseph Coleman, Giles Slocum, Isaac Layton, Recompece Curbe, Benjamin Badcock, Samuell Hicks, Thomas Eaton, Peleg Slocum, Eliezer Slocum, Joseph Taber, Samuel Spooner, Seth Pope, Manaseth Kempton, Thomas Cornall, Jonathan Delano, Marey Corey, James Sison, Volientien Trudell Stone, John Sherman, Philip Tabor, Jonathan Shaw, Samuel Jeney, Stephen Peckham, James Sampson, Thomas Butts, Richard Euans, Nathaniel Howland, William Earle, James Tripp, Jonathan Russell, John Briggs, Sen^r, John Brigs, Jun^r, Thomas Briggs, Arther Hathaway, William Macumber, Mathew Allen, John Coleuen, Philip Shermene, Lauthum Clark, John Tayler, Richard Curbe, Juni^r, Reuben Waite, Henry Tucker, Isaac Pope, Robert Gifford, Christopher Gifford, Samuel Cornall, Ephraim Tinckum, Georg^e

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2 March.
PART II.

Cadmane, Ralph Earle, & Daniell Wilcock, in an action of *y^e* case, to *y^e* damage of eight hundred pounds in money, for that *y^e* *s^d* defendants claiming parts of *s^d* lands as *y^e* proprietors thereof, & holding *s^d* lands together in partnership with *y^e* complainants as tenants in comon & vndeuided, (except such part thereof as hath ben heretofore orderly & legally deuided vnto euery proprietor according to his part or share therein,) notwithstanding *y^e* about *s^d* defendants contradicteth & will not permitt equall partion or deuision of all *y^e* about *s^d* lands equally to be made according to law, & *y^e* complainants parts or shares therein, viz^t, fower whole parts or shares & a fourth part of a share, excepting thirty acres of land out of it, or at least will not comply with *y^e* plaintiffs about named, vpon their reasonable demands to make an equall partition or deuision of all *y^e* about *s^d* lands according to *y^e* complainants parts or shares therein as about *s^d*, & thereby preuenting *y^e* about *s^d* plaintiffs from *y^e* knowledge & improuement of all their owne respectiue parts or shares of all *y^e* about *s^d* purchased lands by themselues in seueraltie, as by law is provided; by which vnjust acting, refusall, or not compliance of *y^e* defendants, *y^e* about *s^d* plaintiffs come to be greatly damnified, & therefore brings the action as about said. The Court grants a non suite.

The bill of cost of thirty two shillings was allowed by the Court.

Whereas Samuel Clap & John Cushing, as agents for the towne of *y^e* towne of Sittuate, complaineth against Japhett Turner, of Duxborough, in an action of *y^e* case, to *y^e* damage of fifty pounds, siluer money, for that *y^e* *s^d* Turner, vnder couler of his office & countenance of authority, did, as he was constable of Duxborough, molest or sease seuerall persons of *y^e* inhabitants of *y^e* towne of Sittuate afores^d, to witt: Robert Sprout, John Maggowe, Joseph Studson, and Samuel Hatch, all of said Sittuate, for *y^e* paiement of a rate to *s^d* Duxborough, through which said illegall acting of said Turner, ye plaintiue cofis to be damnified, as about *s^d*.

This action was nonsuted.

The bill of cost allowed by the Court is thirteen shillings six pence.

Whereas Capt John Williams, of Sittuate, complaineth against Henry Josling, of *s^d* Sittuate, in an action of *y^e* *^* on *y^e* case, to *y^e* damage of ten pounds, siluer money, & is for that *y^e* *s^d* Henry Josling doth neglect to pay a debt of five pounds in siluer money, due from him, *y^e* *s^d* Josling, to be paid to him, *y^e* *s^d* Williams, as appeare by a bill signed vnder *y^e* *s^d* Joslings hand, bearing date *y^e* fourth day of Nouember, in *y^e* yeare 1680, through which neglect of *s^d* Joslings said Williams cofis to be damnified as about said.

The jury finds for the plaintiff five pounds siluer mony due by bill, five shilling damage, & the cost of sute. 1685-6.

The bill of cost of thirty five shillings was alowed by the Court.

2 March.
PART II.

Wheras Stephen Skiffe, of Sandwich, attorney to M^r John Mayhue, of Marthas Viniyard, complaineth against Ralph Powell, of Marshfeild, in y^e colony of New Plymouth, in an action of debt, to y^e damage of ten pounds, in siluer mony, for that y^e s^d Ralph Powell doth refuse or neglect to pay a debt of six pound ten shillings, siluer mony, due from him, y^e s^d Raph Powell, to him, y^e s^d John Mayhue, as doth or may appear by contract or other wise.

This action was nonsuted.

*Whereas John Dwelly, of Sittuate, complaineth against Abraham Jackson, Jun^r, of y^e towne of Plimouth, in an action of debt, to y^e damage of five pounds in money, for his non paiement of a debt of fifty shillings in money, due by bargaine or contract to y^e s^d Dwelly, from y^e s^d Jackson, as by testimony y^e s^d Dwelly saith he will make appear.

[*81.]

The jury finds for the plantiff his dept of fifty shillings in siluer mony, two pence damage, & the cost of the suite.

The bill of cost allowed by the Court is one pound nine shillings & sixpence.

Whereas John Williams, of Sittuate, complaineth against William James, of Boston, in an action of reuew, to y^e dammage of three hundred pounds, siluer mony, of an action reuewed by y^e s^d William James, at his ma^{ties} Court held at New Plymouth on y^e first Tuesday in July, last past, which s^d action of reuew was in these words: Whereas William James, of Boston, complaineth against John Williams, of Sittuate, in an action of reuew, to y^e damage of three hundred pounds, siluer mony, & y^e reason of this s^d complaint is because y^e aboues^d Williams did co^mence & prosecute an action against y^e aboues^d James, at a Court held for his ma^{tie} at New Plimouth y^e last Tuesday in October last past, which s^d action was as followeth: John Williams, of Sittuate, in behalfe of himselfe & partners, y^e wronged propriators of Conohassett vndeuided lands in s^d Sittuate, complaineth against William James, late of Sittuate afores^d, in an action on y^e case, to y^e damage of three hundred pounds in mony, for that s^d William James sometime since y^e 23 of October, 1683, hath made great strip & wast on s^d vndeuided land, by cutting, falling, & carrying away from s^d land great quantities of wood & timber, or causeing y^e same to be doⁿ contrary to an order of said pro-

1685-6.
2 March.
PART II.

priators, or company, baring date y^e same 23 of October, & to y^e great damage of this plaintiffe & his partners, as he saith he will make appeare by euidence ; by which s^d action, so renewed as aboues^d, y^e jury found for y^e said plaintiffe seauen pounds seauenteen shillings dammage, siluer mony, & y^e cost of y^e suit, whereby y^e now plaintiffe conceiues himselfe to be much wronged & damnified ; therfore praieth a renew of s^d action, that he make his wrongs & damages appeare, & haue releife therein.

The jury find for the defendant the cost of the sute. The bill of cost allowed by the Court was twenty two shillings.

The Names of the Jury.

John Tracy, Fore-		Leui ^t Ephraim Morton,	
man,		For ^m an,	
James Walker,		Seth Pope,	
Joseph Warren,		Nath ^l Wood,	
Nath ^l Wood,	John Dwellys	Samuell Harlow,	John Williams
Samuell Harlow,	action	Joseph Fance,	& W ^m James.
Joseph Fance,	&	Jonathan Barnes,	
John Holmes,	Stephen Skiff.	Thomas Gibbes,	John Boomer.
John Wadworth,		John Dotye,	
William Fobbes,		Samuell Sturtifant,	
Dauid Alden,		Nath ^l Winslow,	
Nath ^l Winslow,		Thomas King,	
Robert Standfort.		Joseph Dunham.	

[*83.] *Whereas Leiut^t Anthony Collimore, of Scituate, complaineth against Humphry Johnson, of Hingham, in an action of the case, to the damage of an hundred pounds sterling, for that the said Johnson, sofitime in instant December, did vnjustly & falsely informe authorite against the s^d Colimore, to witt : that the s^d Colimore, together with seuerall other inhabitants of Scituate, did, on the 15th day of this instant December, in a roietus way or manor, either as an actor, or aider, or abetter, forceably enter into the propriety of the s^d Johnson within the bounds of Scituate, deliuered to him, the s^d Johnson, by the cheife or head marshall of Plimouth, the which information the s^d Johnson vnjustly pretended in behalfe of the King ; whereas the pretended wrong doñ had only relation to his perticular intrest soe claimed, which controuersie leagally apertaineth to be tryed by way of siuill action ; by reason of which vnjust & false information the plantiff, being caryed before authority, exposed to disparagm^{tt} of creditt, to loss of time, & expence of mony, becomes greatly damnified.

This action is dismissed by order of Court, Johnson giueing in bonds to the Court to prosecute his information at July Court. 1685-6.

[From this time the records of Judicial Acts cease to be in the handwriting of Secretary Clarke, and are principally in that of Mr. Samuel Sprague, his successor.]

2 March.
PART II.

**New Plimouth, 1686. At the Court of Assistants held for our Sovereigne Lord the King on the first Tuesday in July, An^o 1686.* 1686.

6 July.
[*84.]

SAMUEL HALL, of Yarmouth, complaineth against William Nickerson, of Yarmouth, afores^d, in an action of debt, to the damage of twelue pound, siluer money, for that he, the s^d Nickerson, doth neglect or refuse to pay vnto the s^d Samuell Hall, or his order, the just sum of six pounds in currant siluer money of New England, due vnto him, the said Hall, from s^d Nickerson, as may more fully appear by one instrument given vnder the hand and sealle of s^d Nickerson, bearing date the 25th day of Octobr, 1685. Nonsuted.

Thomas Fallen, Jun^r, of Yarmouth, complaineth against William Nickerson, late of Yarmouth, in an action of debt, to the damage of eight pounds, for the non payment of four pounds twelue shillings & six pence, as will more at large appear, due to the s^d Follen, from y^e s^d Nickerson, by speacialties, under the said Nickerson his hand, bearind date first of Decembr, 1684. Nonsuted.

Ebenezer Foord, residing at a place called Foords Farm, within the colony of New Plimouth, complaineth against James Foord, now or late of the same place, in an action of debt, to the damage of twenty eight pounds in money, for his non payment of a debt of fourteene pounds four shillings and seven pence, due from the said James Foord to the s^d Ebenezer, for mony, worke, and sundry goods, which the said James hath received of the s^d Ebenezer at severall times since the begiñing of October, which was in the year 1681, as by the s^d Ebenezer his booke he saith he will make appear. Nonsuted.

*Thomas Joslen, resident near Namecot, in Plimouth colony, complaineth against Jonathan Blackman, of Little Compton, in an action of the case, for debt and damage, five pounds sterling money of New England, for denying & refusing to pay the s^d Joslen the sum of fifty shillings, due for a [*85.]

1686.

6 July.
PART II.

horse that the said Blackman bought and received of the s^d Joslen some time in Decemb^r, in the year 1685, which forceth the s^d Joslen to bring this his action, &c.

This action being comitted to the jury, they say, We find for the plaintiff forty shillings, silver money, debt, six pence damage, and the cost of the suit.

The cost allowed by the Court is 1^{ld} 10^s 0^d

Timothy White and Thomas Waid, both of Scituate, complain against John Williams, of Scituate, in an action of review, to the damage of forty pounds, silver money, for that the s^d Williams did comence and prosecute an action of review against s^d Waid and White at a Court held for his ma^{tie} at New Plimouth the first Tuesday in July last past ; which s^d action of review of an action of trespass, which s^d action of trespas s^d Williams comenced against s^d White and Waid at a Court held for his majesty at New Plimouth, the first Tuesday in March, 1682, the tenor of which s^d action of trespas was as followeth: John Williams, of Scituate, complaineth against Thomas Waid and Timothy White, both of Scituate, in an action of trespas on the case, to the damage of forty pounds, for that the aboves^d Waid and White, sometime in this instant February, entered on a peece, or on an alotment, of land in Scituate, which he, the s^d Williams, is owner of, and there the above-said Waid and White tooke up wood, and put it into carts, and forceably caryed it away, notwithstanding s^d Williams warned them not to cary away the s^d wood, but to throw it down and be goñ ; but s^d Waid and White refused ; by which illeagall acting the s^d Williams, complainant, comes to be damnified. At which above said March Court, the jury found for the then defendants, and at the two next Courts of tryals at Plimouth following s^d March Court, s^d Williams did review s^d action of trespas, and the jury still continued to find for the defendants, as by Court records may appear ; and at July Court, 1684, s^d Williams did review the aboves^d action of trespas, *and obtained a verdict and judgment of Court against s^d Waid and White, as by Court records may appear, and at Octob^r Court next following, in 1684, s^d Waid and White did commence and prosecute an action of review against said Williams of an action of review of the aboves^d action of trespas, and the jury found for the then plaintiffs, as by Court records may appear, and at July Court last past, s^d Williams did againe review s^d action, and did obtaine a verdict and judgement of Court against s^d Waid and White, of sixteene pounds seven shillings damage, and the cost of the suit, as by Court records may appear, which causeth the s^d Waid and White to com-

[*86.]

1686.

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PART II.

plaine that they are wronged and damnified by s^d verdict, the jury, as the s^d Waid and White say, not having so full and clear understanding of the case; and therefore the said White and Waid pray a review of the s^d action at the next Court of tryals at New Plimouth, that if they, s^d Waid and White, make good their averments, their s^d wrongs may be repaired, and all due damages given to them, &c.

This action being heard in Court and comitted to the jury, their verdict was, We find for the plaintiffe, if the act of the committee stands good in law, 18: ^{1d}3: ^s6, silver money, damage, and the cost of the suit; if not, we find for the defendant the cost of the suit.

The Court, not being yet advised, have demurred on this case till the next Court of Assistants.

Cap^t Thomas owned in Court in the plea that the committee ran the line of Mr Hatherlys 400 acres about four degrees within square.

At October Court, 1686. At which Court the question was resolved in the negative, and forty four shillings costs allowed to the defendant by the Court.

1686. October Court. And forasmuch as an execution was formerly granted against s^d Waid and White, for the recovery of s^d sixteene pounds & seven shillings and costs of suit, which in all is 18: ^{1d}3: ^s6 money, & s^d execution being returned & not served to effect, the Court order another execution to ^{be} issued forth in refference to the premisses.

*Isaac Howland, of Middleborough, plaintiff, against Thomas Joslen, [87.] within the constablerick of Little Compton, defendant, in an action of debt, to the damage of fourteen pounds, currant money of New England, for the non payment of seven pounds in money due to the s^d Isaac Howland by covenant or contract some time in February last, for a yোক of oxen, then sold and delivered, which money the said Joslen unjustly detaineth.

Thomas Joslen, afores^d, appeared in Court & acknowledged a judgment against himself, viz^t, his person & estate, of seven pounds, money, and such cost as the Court shall allow in s^d action. July 6th, 1686.

One pound four shillings & nine pence allowed p^r the Court in cost.

Cap^t John Williams, of Scituate, complaineth against Cap^t John Briggs, Nathanael Tilden, John Tilden, Timothy White, Henry Chittenton, Edward Jenkins, Rhodolphus Elms, John Merritt, Daniel Damon, Thomas Wade,

1686.

6 July.

PART II.

Stephen Oatis, Israel Chittenton, Joseph Woodworth, Benjamin Pierce, John Sutton, John Booth, and Thomas Man, all of Scituate, afores^d, as they are claymers and pretended proprietors in partnership with the plaintiff of s^d Conihaset undivided lands, in an action on the case, to the damage of two hundred pounds, silver money, for that the aboves^d defendants hath neglected and doe not comply with the said plaintiffe to make an equall division of s^d undivided land of Conihasset, according to each mans just rights, according to an order of the proprietors of s^d Conihasset land, which order beareth date May the 20th, 1686, and other orders of the proprietors of s^d Conihasset land, and advice and order of the Court.

This action was nonsuited, and forty two shillings allowed in cost to y^e defendants.

[*88.]

*Cap^t John Williams, of Scituate, complaineth against John Holbrooke, of Scituate, afores^d, in an action of the case, to the damage of twenty pounds, silver money, for that he, the s^d John Holbrooke, doth neglect or refuse to pay unto the s^d John Williams the full & just sum of eleven pounds, of currant silver mony of New England, due vnto him, the s^d John Williams, from s^d John Holbrooke, as may more fully appear by a bill given under s^d John Holbrookes hand, which s^d bill beareth date the tenth day of August, 1685.

This action, after pleas made, was comitted to the jury, whose verdict was, We find for the plaintiff eleven pounds, silver mony, debt due by bill, and cost of the suite. The cost allowed by the Court in this action is thirty shillings.

[*90.]

*July, 1686. Cap^t John Williams, of Scituate, complaineth against Samuel Holbrooke, of Scituate, afores^d, in an action of the case, to the damage of forty pounds, silver money, for that the s^d Holbrooke, in the year 1685, being then constable of Scituate, did receive of s^d John Williams one execution to the value of eightene pounds, or thereabouts, in silver money, w^{ch} s^d execution, he, the s^d Holbrooke, as he was then constable, as afores^d, was to leavy upon the estates of Timothy White and Thomas Waide, both of Scituate, or on their bodyes, or on some one of them. But the said Holbrooke, not attending that duty and trust, which law enjoyned him vnto, as he was constable, as afores^d, hath neglected to return the effects of s^d execution, as he ought to doe, unto the s^d Williams, nor hath not comitted the bodyes of s^d White and Waid, nor one of them, as he by the s^d execution was comanded to doe; by which neglect and unfaithfulness of the defendant,

the plaintiffe comes to be much wronged and damnified, as he saith he will make appear.

This action, after pleas made on both sides, was committed to the jury, whose verdict was, We find for the defendant y^e cost of the suit. The cost allowed by the Court is nine shilling & sixpence.

1686.

6 July.
PART II.

At the Court of Assistants held for our Sovereigne Lord the King, at New Plimouth, on the first Tuesday in October, 1686. 5 October.

CAPT JOHN WILLIAMS reviewed the aboves^d action, and prosecuted the same against Sam^l Holbrook, aboves^d, and after the evidences produced and pleas made on both sides, the case was comitted to y^e jury, who found for the defendant the cost of the suite. The cost allowed by the Court is eleven shillings and sixpence.

*At the county Court held at Plimouth, Sept. 21th, 1686, John Williams, of Scituate, complaineth against Thomas Wade, of Scituate, afores^d, in an action of the case, to the damage of forty pounds in money, for that the s^d Wade, since May last past, hath unjustly destroyed, by shooting or otherwise, divers of the s^d Williams his beasts of horse kinde, as by testimony the s^d Williams saith he will make appear. To which the defendant pleaded non culpable. The pleas being made & the evidences read, w^{ch} are on file with the records of this Court, the case was comitted to the jury, who returned and brought in their verdict as followeth, viz^t: If a jury are bound to find by circumstances, without positive evidence, then we find for the plaintiff four pounds damage & the cost of the suit. If otherwise, we finde for the defendant the cost of the suit. The Court resolved this question in the negative, & gave judgment for the defendant, the cost of the suit, and allowed seventeen shillings cost. Cap^t John Williams appealed from this sentence to the next Court of Assistants, and gave bond to prosecute the same.

[*91.]

Transcribed out of the records of the s^d Court,

By NATHANIEL THOMAS, Cle^r.

Cap^t John Williams appeared at the s^d Court of Assistants, and prosecuted his s^d appeal, and the case being comitted to the jury, whose verdict was, —

1686.

5 October.
PART II.

We finde for the plaintiff five pounds seventeene shillings damage & the cost of the suits.

The cost allowed by the Court is four pound seven shillings and three pence.

Whereas John Dotey, Sen^r, alias Doten, of the towne of Plimouth, in the colony of New Plimouth, complaineth against John Bradford, of Plimouth, of the colony afores^d, in an action of defamation & slaunder, to the damage of two hundred pounds, of silver money of New England, for that the afores^d Bradford hath slaunderously charged the afores^d Dotey, that he, the afores^d Dotey, was a thief, and had stolen about half a lode of hay from him, the said Bradford, some time last winter, and Bradford s^d that he could prove it, which causeth the s^d Dotey to complaine that he is greatly damnified, as he will rationally make appear.

The action barred because it ought first to have been tryed at a county Court, and nine shillings cost allowed to y^e defendant.

[The remaining Judicial Acts are recorded in the handwriting of Mr. Samuel Sprague.]

1689.

8 October.
[*92.]

**At a Court of Assistants held for their Ma^{ties} at New Plimouth the first Tuesday of October, 1689.*

SAM^L SPRAGUE was appointed Recorder of s^d Court & sworne.

In answer to a petition presented to this Court by Lieut John Tompson, in reference to the present want of an highway, viz^t, a country road from Middlebury, Bridgewater, and other places, toward Boston, —

This Court order, that an highway for that end shall be speedily laid forth by a jury, in such maⁿer as may be most advantageous to the publick, and with as little injury to particular persons as may be, according as the law in such case directs.

The jury appointed by the Court for that end are the persons under written, viz^t: —

Lieut Isaac Little,
Sam^l Clapp,
John Foster,
Thomas Stetson,
James Leonard, Jun^r,
Nath^l Southworth,
Nicholas Byram,
Edward Fobes,

John Waterman,
John Thrasher,
Sam^l Sturtevant,
Stephen Bryant, Jun^r,
Obadiah Eedey,
John Miller,
James Samson,
John Spooner.

The said jury are ordered to meet together at the house of s^d Tompson, on Wednesday, the ninth instant, about 12 of the clock, to take oath and proceed about the worke afores^d; and forasmuch as there hath been some contest betweene some of the inhabitants of Middlebury and s^d Tompson, the said jury are ordered to take notice of the evidences, sayings, and allegations, of any that may give light for their actions in refference to the premises, and this Court at their next meeting to order how the charge thereof shall be satisfied or borne.

Pr order of s^d Court,

SAM^L SPRAGUE, Record^r.

1689.

8 October.
PART II.

Plimouth, June y^e 6th, 1690. The Govern^r and Assistants then ordered that the five persons who are here under written be forthwith added to the jury abovenamed, to joyne with s^d jury, to perform what is above required. The persons added are Capt^r Seth Pope, Leiv^t John Tracey, John Bradford, Nath^l Winslow, Sen^r, and Josiah Snow, who, together with said jury, are ordered to meet at the house of John Tompsⁿ, Sen^r, in Middleborough, on the fir^s Tuesday of July next, about noone, or 12 of the clock, to pceed in the work or service above mentioned, and s^d persons added to go before some magistrate in y^e mean time to take oath.

1690.

6 June.

Attest: S: SPRAGUE, Record^r.

**At a Court of Assistants held for their Ma^{ties} on special Occasion, the 19th Day of July, 1690.*

19 July.
[*93.]

BEFORE Thomas Hinckley, Esquire, Gouvern^r,

Will^m Bradford, Esq^r, Dep^t Gov^r,

Barnabas Lothrop,

John Thacher, and

John Walley, Esq^{rs},

Assistants.

IN refference to John Delaforest, a Frenchman, the prisoner lately condemned at his ma^{ties} Court at Bristol, for comitting a barbarous murder in the county of Bristol, aforesaid, on a countreyman of his, and having made his escape out of prison, is retaken and now in goal at Boston, this Court order, that s^d prisoner be forthwith sent for and brought to Plymouth, in order to his execution, and that the proceedings of s^d Court at Bristol,

1690.

19 July.

PART II.

relating to his tryal and condemnation, be forthwith sent for, and procured of Mr Newton, then clerk of s^d Court.

The said Court do appoint M^r Stephen Burton, of Bristol, to look after and take care of their mat^{ies} revenue and customs in the county of Bristol, and to take and receive the same, and to give dispatches to vessels as there may be occasion, and to see that the acts entitled the Acts of Navigation be duly observed, and he to render account to this their mat^{ies} government when legally required.

For as much á^s the several churches and congregations in the counties of Plimouth and Barnstable have lately observed and kept a solemn day of humiliation and fast, relating to the afflicted state of the countrey, as also to begg the presence and blessing of God upon the present intended expedition to Canada, this Court recomēd it to the teachers and elders of the several churches and congregations in the county of Bristol, as speedily as with convenience it may be, to set apart and observe a day for the causes aforesaid.

30 July.

[*94.]

**At a Court of Assistants held for their Ma^{ties} at Plimouth the 30th Day of July, 1690.*

BEFORE Thomas Hinckley, Esq^r, Govern^r,
 William Bradford, Esq^r, Deputy Govern^r,
 John Thacher,
 John Cushing, Esq^{rs}, } Assistants,
 And M^r Ephraim Morton, Associate.

JOHAN ARMUNG DE-LA-FORREST, a Frenchman, being now brought before this Court, it being demanded of him whether he were the person lately arraigned and condemned at Bristol for a murder by him comitted on ^, a countrey man of his, he, the said John, readily acknowledged himself to be that person, and that he was arraigned and condemned at Bristol aforesaid, and that since his condemnation he brake out of prison, and made his escape out of the county of Bristol. It being then demanded of him, what for himself he had to say why execution should not be done upon him according to sentence and condemnation, he having had a legall tryall by

jury, he then denied the fact, and desired that he might go forth to warr in the service of the countrey, which not being granted, a warrant was p s^d Court ordered to be drawn for his execution, as followeth : —

1690.

30 July.
PART II.

To the Chief Marshall of the colony of New Plimouth, greeting : —
Whereas John Armung de la Forrest, lately arraigned and condemned at his ma^{ties} Court at Bristol, in s^d colony, for a barbarous murder by him comitted, and, by his own confession, having broken out of prison after condemnation and sentence passed upon him at s^d Court, namely, that he should be hanged by the neck untill he is dead, which yet remains to be performed ; and having been brought before a Court of Assistants, held for their ma^{ties} at Plimouth, the 30th day of July, 1690, and after demand made of him why execution should not be done upon him according to the said sentence, and having nothing justly to say for himself in that respect, you are therefore, in their ma^{ties} name, hereby required to cause execution, with full effect, to be done upon him according to said sentence, and that the same be performed on the 31st instant, about ten of the clock in the morning ; and hereof you may not fail, as you will answer the contrary at your perrill. And so doing this shall be your sufficient warrant.

Dated at Plimouth, July the 30th, anno Domini 1690.

Pr order of the Court of Assistants.

SAM^L SPRAGUE, Recorder.

Upon receipt hereof, I have caused execution to be done, as above required. Dated July 31, 1690.

Pr WILLIAM BASSETT, Marshall.

The above named prisoner immediately before his execution confessed himself guilty of the murder and fact for which he was condemned.

1690. **At a Court of Assistants held at Plimouth the first Tuesday of
October, Anno Domini 1690.*

7 October.

PART II.

[*95.]

BEFORE Thō Hinkley, Go^r, John Thacher, &
Will Bradford, D: Gov^r, John Cushing,
Barnabas Lothrop,
Assistants.

CAPT JOHN WILLIAMS, being summoned, appeared at the county Court at Plimouth, September 16th, 1690, to answer his presentment for selling severall pots of cyder to the Indians, in Indian harvest last past, & at s^d Court thereof convict, is sentenced to pay a fine of five pounds in money, Cou^r fees, and charge of prosecution; who appealed from the s^d judgment & sentence unto the next Court of Assistants, to be holden at Plimouth the first Tuesday of October next following, and put in bond to appear at s^d Court, &c.

The Court appoint the 29th instant to be kept and observed by all the persons in this colony as a solemn day of humiliation & fast, and adjourn to the first Thursday of November next, ordering all persons who have buisines at this Court to attend s^d adjournment, and demur till then on the afores^d appeal of Captain Williams, and order that the witnesses to that case be summoned personally to appear at the s^d adjournment.

The Court also order, that a special warrant be directed to the chief marshall for the bringing of Daniel Wilcocks to s^d adjournment, to answer as p former warrant he was required; as also for his contumelious speeches & carriages concerning the present authority.

And that Daniel Eaton, constable of Little Compton, be also caused to be personally present thereat.

6 November. *At a Court of Assistants held by Adjournment at Plimouth y^e first
Thursday of November, 1690.*

WILL, Indian servant to Captain John Williams, being accused p^r Thomas Coleman, of Scituate, for breaking into his cellar at Scituate afores^d, & thence stealing out wine, rum, and spice, and at this Court

thereof convict, and of sundry other thefts and pilfrings, particularly from M^r John Allin, of s^d Scituate, as s^d Indian confesseth, is sentenced to sit on the gallows, be branded on the hand with the letter **B**, and to pay to the persons damnified by his theft five pound money, Court fees, and charge of prosecution, or to be sold for the payment thereof, and to be imprisoned till sentence be performed.

4^{ld} of s^d 5th to be paid to s^d Coleman, and twenty shillings residue of s^d sum to s^d M^r Allin.

The Court, at y^e request of George, Indian, late servant to Sam^l Sprague, grant liberty to said Indian to purchase a gun of any English person for his own use, & such person, having certificate or copy of s^d grant from y^e Secretary, is permitted & allowed to sell a gun to s^d Indian.

1690.

6 November.
PART II.

**At a Court of Assistants held at Plimouth the first Tuesday of April, 1691.*

1691.

7 April.
[*98.]

BEFORE Thomas Hinckley, Esq^r, Govern^r, Barnabas Lathorp, Esq^r, and
Will^m Bradford, Esq^r, Deputy Govern^r, John Thacher, Esq^r,
Daniel Smith, Esq^r,

Assistants.

JOHN KALANDER, of Rehoboth, appeared personally before s^d Court, and tendered to make his defence to a case of appeal from the judgment of the last county Court at Bristol, wherein M^r John Saffin was then defendant, and now appeallant, M^r Saffin not appearing to prosecute his appeal.

In pursuance of an order of Court, bearing date the first Tuesday of October, 1689, we, whose names are here under written, being impanelled on a jury, & being met together, according to order of Court, June y^e sixth, 1690, and having heard their pleas and vewed the ways according to y^e order of s^d Court, doe and have agreed and concluded, that the countrey rode, from Middlebury, Bridgwater, and other places, towards Boston, shall and doth begin at y^e roads in Middlebury, by the new meeting house in said Middlebury, where we marked a red oak tree, near said meeting house, and on the westerly side of Plimouth road, & from thence said road runeth as

1691.

7 April.
PART II.

y^e old way now goeth to Aldens Brooke, where y^e bridge now is, and from thence along the old way which lyeth on y^e westerly side of the uper meadow to Bear Spring, and so along as y^e way now goeth to y^e old bridges at Winatuxet River, at or near the bounds betweene y^e lands of John Tomson and y^e lands of Alexander Standish, having marked severall trees on each side of s^d road, & on y^e westerly side of s^d river we marked a red oak tree, and from thence y^e road ruñeth to y^e road that goeth to Plimouth from Bridgewater, there being many marked trees in s^d road, and so it ruñeth as that way goeth to Bridgewater, by y^e house of James Latham, and from thence it runneth to Byrams Plain, as y^e way goeth, to y^e road that goeth to Waymouth, and from thence as y^e way now lyeth on y^e westerly side of Andrew Foords house, & so to y^e patent line, where we marked two trees and laid a heap of stones.

July 2^d, 1690.

[*99.]

SAMUELL CLAPP,
JOHN FOSTER,
*JOHN MILLER,
JAMES SAMSON,
JOHN SPOONER,
JOHN BRADFORD,
JOHN TRACEY,
SETH POPE,

NATHANAEL SOUTHWORTH,
THOMAS STETSON,
JAMES LEONARD, JUN^r,
NICHOLAS BYRAM,
EDWARD FOBES,
JOHN WATERMAN,
JOHN THRASHER,
STEPHEN BRYANT.

To the constable of New Plimouth, greeting, &c: — Whereas, at his maties Court held at New Plimouth on y^e last Tuesday in October last, Samⁱ Dunham, of Winatuxet, the son of John Dunham, of Plimouth, prosecuted an action and obtained a verdict of jury and judgment of Court against John Andrews, of s^d Plimouth, of twelve pounds and ten shillings, silver mony, debt, & twelve shillings and six pence damage, and forty six shillings in money, cost of s^d suit, which in all amounts to fifteen pounds eight shillings & six pence, —

These are, therefore, in his maties name, to require you to go to the said Andrews, on receipt hereof, or to y^e place of his usuall abode, & demand y^e s^d sum of fifteen pounds eight shillings and six pence, in silver money; & if he shall refuse or neglect to answer or satisfie the same in specie, as above-said, that then you levy execution on the estate of s^d Andrews, supposed to

be in your custody, & so dispose thereof as it may sattisfie y^e judgment abovesaid, according to specie ; & y^e said sum of fifteen pounds eight shillings & six pence deliver to the said Samuel Dunham, free and clear of charge ; & retaining in your hands as much of s^d estate as will sattisfie your own fees, charge of this execution, & transportation, you are to return y^e overplus, or remainder of s^d estate, to said Andrews, according as p^r law you are directed ; & hereof fail you not at your perrill.

Plimouth, dated y^e 7th of Decemb^r, 1683.

P^r me, WILLIAM BRADFORD, Deputy Governor.

December 11th, 1683. I served execution upon a peece of John Andrews land and meadow : the land & meadow was prised at fourteen pound six shillings. And I served execution on hay, & it was prised at one pound two shillings, & delivered it to Samuel Dunham.

JOHN BRYANT, Constable of Plimouth.

1691.

7 April.
PART II.

**At a Court of Assistants held at Plimouth the first Tuesday of
April, 1692.*

1692.

5 April.
[*100.]

BEFORE William Bradford, Esq^r, Dep^t Govern^r, John Walley, Esq^r,
Daniel Smith, Esq^r, John Cushing, Esq^r,
John Thač^r, Esq^r,

Assistants.

1. **J**OHN RICHMOND, Peter Walker, & Joseph Tisdall, all of Taunton, p^{tf}s, in an action of appeal, versus Joseph French, of Taunton, defendant. Referred to y^e adjournment under mentioned.

2. Joseph Greene, of Waymouth, plaintiff, in an action of appeal, versus Liev^t Anthony Callimer, Benjamin Stetson, Sen^r, & Jeremiah Hatch, Sen^r, all of Scituate, defendants. Referred to y^e adjournment under mentioned.

3. Thomas Wade and Timothy White, both of Scituate, plaintiffs, in an action or review, versus Capt^t John Williams, of Scituate, defendant. The action barred because improper for y^e cognizance of this Court.

1692.5 April.
PART II.The Names of y^e Jury chosen by y^e seuerall Towns & present at s^d Court.

Josiah Snow,	James Warren,	Nathanael Holmes,
Anthony Eames,	John Murdoe,	Abraham Jackson,
Nath ^l Brett,	Alexander Standish,	Liev ^t Seth Arnold,
John Washbourn,	John Miller,	En ^s John Haws.

Nath^l Harlow and Phillip Delano fined each of y^m 13^s 4^d, for not attending Court to serve on a jury.

The Court appoint y^e 27th instant to be kept as a publick day of fast throughout y^e colony.

And adjourn to Thursday y^e 9th of June next, and all proscs and bonds continued to s^d adjournm^t, & parties ordered to attend the same.

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